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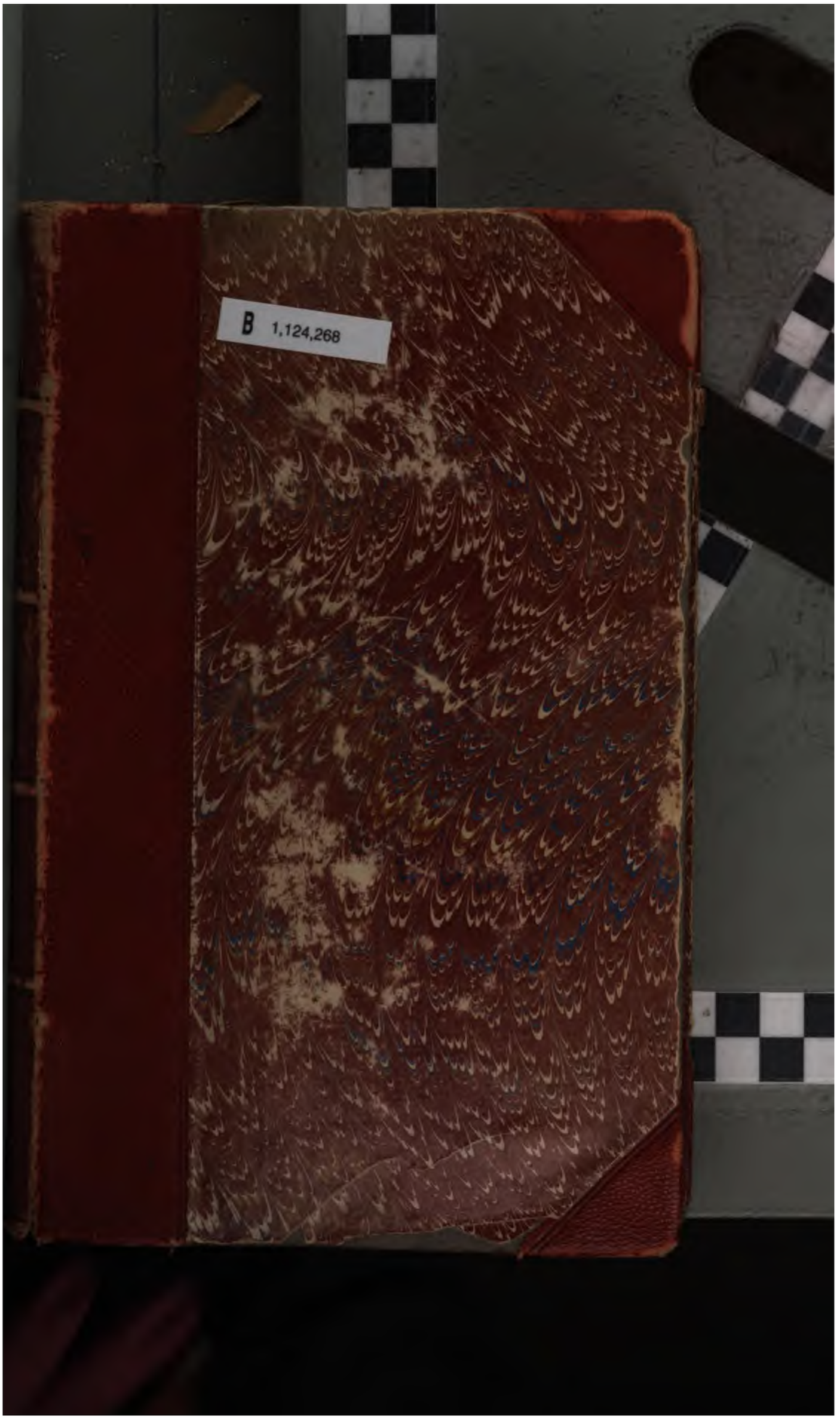
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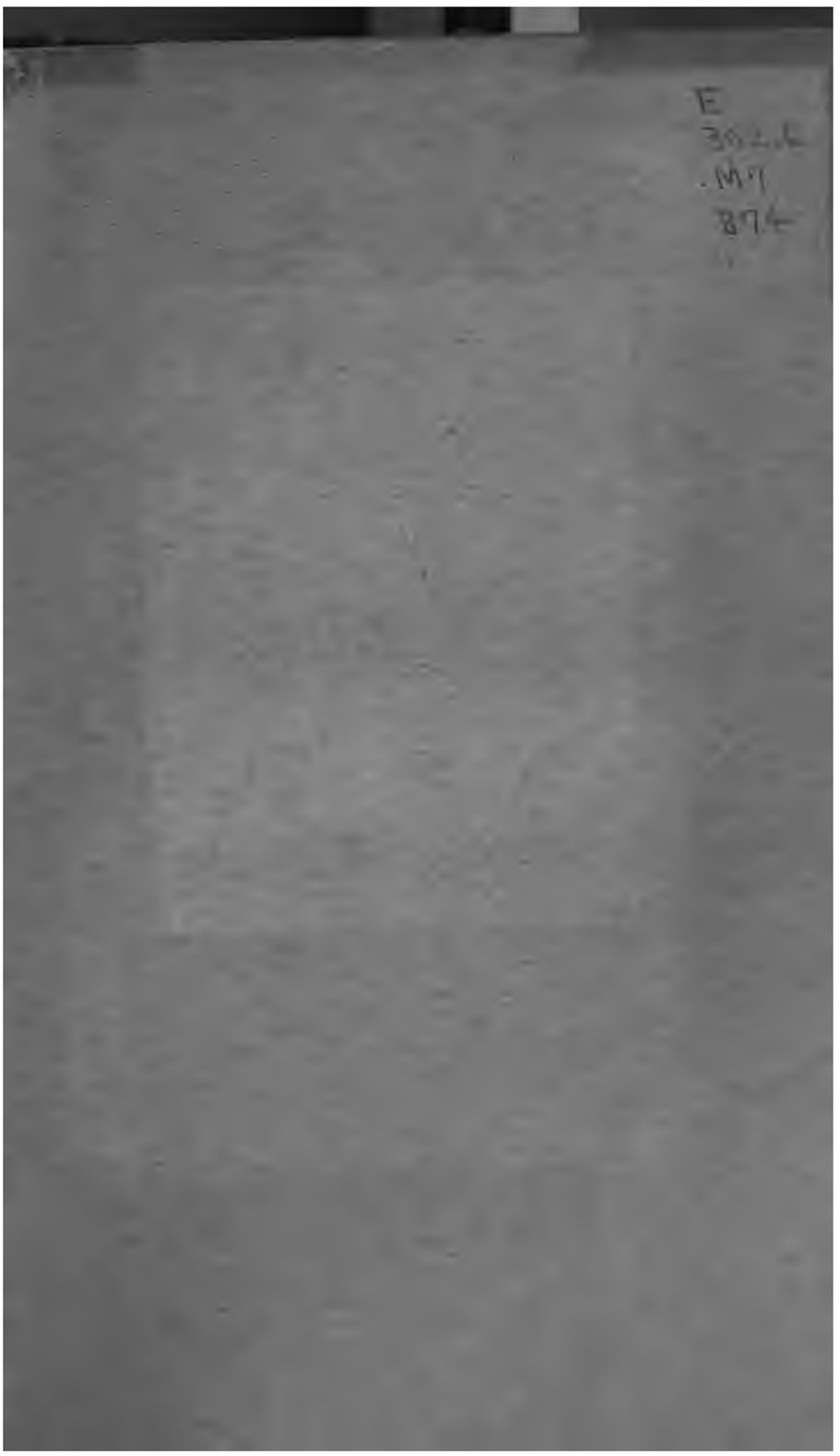
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THE

LIFE

OF

GOUVERNEUR MORRIS,

WITH

SELECTIONS FROM HIS CORRESPONDENCE

AND

MISCELLANEOUS PAPERS.

DETAILING EVENTS IN THE AMERICAN REVOLUTION, THE FRENCH REVOLUTION, AND IN THE POLITICAL HISTORY OF THE UNITED STATES.

BY JARED SPARKS.

IN THREE VOLUMES.

VOL. III.

BOSTON:
PUBLISHED BY GRAY & BOWEN.

1832.

1747

Entered according to Act of Congress, in the year 1831, by GRAY AND BOWEN,
in the Clerk's office of the District Court of Massachusetts.

BOSTON:
Waitt & Dow's Power Press.

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MISCELLANEOUS

CORRESPONDENCE,

DURING THE RESIDENCE OF MR MORRIS

IN

EUROPE.

MISCELLANEOUS
CORRESPONDENCE
DURING THE RESIDENCE OF MR MORRIS
IN
EUROPE.

TO ROBERT MORRIS.

Paris, May 8th, 1789.

My Dear Sir,

In the course of a long and tempestuous passage over the Atlantic, at a season when the greatest part of the twenty-four hours was clothed in darkness, I had very many moments for meditation. The country I had left behind me occupied by far the greater part of them. More endeared as it was farther removed, I daily felt more sensibly my attachment to that land where I first had existence. Our public affairs very frequently pressed into my mind, when the howling of the winds would not permit repose; and in thinking of my country, and my friends, I insensibly forgot my own situation.

Enclosed you have a paper marked *American Finances*, which is partly the result of my maritime meditations; but I incline to think, that you would not have been troubled with them, if circumstances had not retraced the ideas since my arrival. In effect, it has frequently happened, that, while sitting with Mr' Jefferson, our conversation turned on that subject. He, who also feels ardently for the welfare of America, induced me, without intending it, to make the sketch above mentioned. I afterwards showed it to him, and his approbation has given me a better opinion of it than I had before, and very probably

much better than it deserves. Such as it is, however, I now commit it to a friend, who has, I know, the same fervent zeal for the prosperity of the union, which warms my heart. If it should be in the smallest degree useful, my wishes are satisfied, and my labor is doubly and trebly repaired. I am, &c.

GOUVERNEUR MORRIS.

ROBERT MORRIS TO GOUVERNEUR MORRIS.*

New York, September 27th, 1789.

My Dear Gouverneur,

It is now late on Sunday evening. I am just come from a Committee of the Senate, which has been sitting the greatest part of this day, in order to make a report tomorrow morning, so as to forward the business, that we may adjourn on Tuesday evening.

Ever since the receipt of your letters, I have been so much engaged with the public business, that it has been impossible to attempt answering them, and I must do it after my return to Philadelphia, where I hope to be on Thursday or Friday next.

Congress is to meet again on the first Monday in January, and I expect we shall then turn our attention to an excise, a stamp tax, or rather a tax on law proceedings, &c. so as to provide sufficient funds for paying the interest of our *whole debt*, which, from all my observation I am led to believe, that every one concerned in the government is seriously bent upon doing. I have not a doubt but Rhode Island and North Carolina will come into the union this winter, and you will readily perceive, from the progress which the government has made, and is making, that the price of public securities will rise. Nothing but the very great scarcity of money keeps them down at present, but this is a scarcity very likely to

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* Mr Robert Morris was at this time a Senator in Congress from Pennsylvania. The Congress assembled in the city of New York.

continue; and, as the same cause will, while it exists, continue to produce the same effect, you will naturally conclude, that the value of these papers depends much upon the speculations therein, which are formed in Europe.

The President conducts himself with so much propriety and good sense, that he rises, if possible, in the general esteem. I am on the best terms with him, but observing that jealousies were beginning to take root, I have absented myself very much from his house, taking care to let him know the cause. God knows he cannot render me any service; I want nothing of him, either for myself or any of my connexions.

I have, however, by giving him useful, faithful, and just information, had opportunities of serving several worthy, deserving men amongst my friends and acquaintance. But if the doing of this is to create heart-burnings, and set the whole pack of envious hounds in full cry against me, I must beg to be excused, and rather choose to retreat a little from the public view, although I will never shrink from the service of a *deserving* friend.

I have been exceedingly plagued with the question of 'Permanent Residence.' You were very right in the opinions, given in one of your former letters on this matter. We have been playing hide and seek on the banks of Potomac, Susquehannah, Conegocheague, &c. &c. It has constantly been my view to bring the ramblers back to the banks of the Delaware, but the obstinacy of one or two, and the schemes of some others, prevented my getting them so high up as the Falls. The Bill for fixing the seat of government went down from the Senate yesterday to the House of Representatives amended, by striking out 'the banks of the Susquehannah,' and inserting 'The Germantown District.' It would have passed in that House, as it had done in the Senate, but the southern people prevented the vote being taken, by calling for, and carrying, an adjournment until Monday. Tomorrow, therefore, it will be carried, unless this day's intrigues may produce

some change. However, I have put my hand to the plough, and must go on.

I have been the prime mover in this affair, and shall continue so, until it is decided one way or the other. Madison, Grayson, and Company are very warm, but that I do not mind; they will cool again. I have worked in concert with the New Yorkers, and we are to remain here until the buildings are erected, which will, under all circumstances, require three years. Therefore, I shall probably reside with you at Morrisania some part of that time, provided you build a bridge across Hærlem River; and this you must do, not so much for the convenience of your friends, as for the promotion of your own interest. Adieu. I am always your faithful and affectionate friend,

ROBERT MORRIS.

TO WILLIAM SHORT.

London, June 25th, 1790.

Dear Sir,

I have just now received your favor of the twentieth. I thank you for your kind intention of mentioning to Admiral Jones the miscarriage of his answers to my letters, (for I always presume that he has written) and also for the information you give, both of my friends and of public affairs.

You tell me, that you should be sorry to leave France just now, which appears natural enough; but then I do not see the necessity; for it is not, I think, probable that your commission will be revoked, even if another Minister should be appointed. And let who will be appointed Minister, I think your assistance will be very desirable to him, at least for some time. As you have entered so candidly into a detail of your views and wishes in this respect, I think it right to communicate all I know on the subject. After Mr Jefferson's departure, many of our acquaintance in Paris expressed to

me a wish that I should replace him. I dare say that the same persons expressed to you a similar wish for your appointment, and I always considered it as a piece of *politesse*, to which my answer was, that Mr Jefferson intended to return, that, if he did not, you would probably succeed him, and that it was my wish to continue in a private character. To some of my countrymen, who expressed in general terms an idea that I should probably be appointed to a foreign employment, I answered always, with great truth and simplicity, that I did not think it improbable, but had not taken, and should not take, any step towards it whatever; that, if any such thing should take place, it would come to me unsolicited and unexpected. I do not know of any person in contemplation for that office in America; and in looking round, I really do not see any, who stand very forward to public notice for it. Hence I conclude, that you stand as good a chance as any one else.

If, contrary to all expectation, this appointment should fall upon me, I should feel particularly distressed were you on that account to abandon your present situation, because it might thence be inferred, that we could not live happily together, which I believe is not true. Of course it is a language, which you would not speak. Adieu, my dear Sir. I show you my regard by entering so fully into what concerns you.

GOUVERNEUR MORRIS.

P. S. Make a thousand compliments for me to her Royal Highness, (Duchess of Orleans) and to Madame de Chastellux. I suppose that when I return to Paris, which I expect will be soon, I shall have to learn new names for one half of my acquaintance. Pray, are the friends of the Revolution afraid, that its enemies will not be sufficiently exasperated? Adieu.

G. M.

TO JOHN PAUL JONES, PARIS.

London, July 9th, 1790.

Dear Sir,

I have received your letter of the 24th of last month, and I yesterday received from Doctor Bancroft some money for you. By this day's post I have directed a remittance for the amount to be made from Flanders, to Messrs Grand and Company, which I conceive to be most for your interest.

I am sorry that you have met with difficulties in the settlement of your affairs at Paris. Possibly ere this reaches you, [illegible] the gentleman in question to be [illegible] your concerns.

[illegible] I am in nomination as suc- [illegible] were misinformed. I [illegible] the beginning of June, [illegible]

[illegible] by the bye, I am [illegible] my letters) he will. I [illegible] appointments which [illegible] to him some [illegible] you imagine that [illegible] I sincerely assure you [illegible] rest of those [illegible] sense of [illegible]

GOUVERNEUR MORRIS.

[illegible]

London Dec. 13th, 1790.

Dear [illegible]

I [illegible] people here the [illegible] of emigration [illegible] Ministry here did.

at one time, apprehend it much, and a certain Mr Miranda, whom you may have heard of, averred to a gentleman of my acquaintance, that he had this information, respecting the acknowledgment of our right by Spain, from very high Spanish authority. Combining these things, it seems not improbable, that a person here, knowing him to be an attendant on the British Ministry, may have made a false confidence, on purpose that it might be betrayed. But *cui bono?* To that question I cannot answer. So much by way of preface.

It will not escape you, that the present moment is favorable for opening the minds of his Catholic Majesty's council to the importance of conciliating the good will of America to the House of Bourbon. I say to the House of Bourbon, for, notwithstanding all present, or rather all late appearances, I am persuaded, that the different branches of that august House will continue a union so essential to the interests of their respective nations, and when the influence of France shall have been a little moderated, she will become an ally so much the more useful, as she will possess more power, and use it with more enlightened dexterity, and not be so much exposed to the evils, which flow from an abuse of authority.

The President of the United States has lately been very ill, but on the fourth of June was so well as to be able to ride again on horseback, and consequently must soon regain his strength, which had been much impaired. The bill for foreign intercourse, by which the sum of thirty thousand was granted to defray the expense of that object, had been lost by a pertinacious dispute between the two Houses, but a new bill was, I understand, to be brought in immediately. The present idea in America is unfavorable to the establishment of many Foreign Ministers, but this idea will change, when the pressure of their debts shall have been a little relieved. Affairs in general are as well as you can conceive, or almost wish, in our native country. With sincere regard, &c.

GOUVERNEUR MORRIS.

TO ROBERT MORRIS.

London, July 31st, 1790.

My Dear Friend,

Your letters of the fourth and sixteenth of June give me some intelligence respecting public affairs, and also of your family and my other friends. Accept my thanks for that attention, and make to them my affectionate remembrances.

Your bill for establishing foreign intercourse has, it seems, been lost by a dispute between the two Houses. I cannot say that I am exactly of opinion with either in that dispute. Some discretion should be left to the Executive on this subject, most clearly; but, on the other hand, I do not think it consistent with the genius of our constitution to leave a very wide space for the exercise of discretionary powers. While the present Magistrate exists, all would go right; but his successors might much misuse the authority; and although I have not the childish apprehension of tyranny from that quarter, yet I think a dependency of the diplomatic servants might be rendered rather too great upon the chief of the Republic, and thence, perhaps, men might get into, and continue in those offices, who are not duly fitted for them.

I think, also, that it would have been well for the representatives to adopt an amendment proposed to them, for giving one year's salary as an establishment to their Minister. I do not think that a gentleman can be suitably placed, either in London or Paris, for less than two thousand five hundred pounds sterling, and I suppose nearly as great must be incurred at the Hague, or Lisbon, or Madrid. There are not many of our countrymen, suitable for the office, whom it would suit to make such an advance upon it, more especially as they might be recalled in one or two years, or be obliged by their own affairs to return within that period, and then the whole sum, almost, would be lost.

I am not surprised to find that the idea you mention prevails, of having a Minister at only one court; but, sooner or

later, we must act like other people. That we may keep an officer of higher rank, or superior emolument, at Paris, is clear; perhaps we ought to do so; but we must take care, that, in marking our regard to one power, we do not insult another. Kings are proud, and if they were not, nations are. Our real interest, therefore, requires that we pay the due respect to others. In fact, this is required also, by a due respect for ourselves. I shall readily acknowledge, that these national attentions, like the exterior ceremonies of good breeding, do in fact mean nothing; but, in both cases, the omission means a great deal. There is also in our situation a strong reason for having diplomatic agents abroad, although, from our situation, we should endeavor to be as little connected as possible with the politics of this hemisphere. But the greater powers of Europe have dominions in our neighborhood, and the incidents, which must naturally arise from that neighborhood, will require frequent explanations, to prevent serious quarrels. I might go farther, were I to consider America as a commercial nation; but I stop short, from the recollection that many truths, now as familiar as household conversation, were once treated as the visionary dreamings of a wild imagination; and no man has oftener than I have experienced that fate.

I must, however, give utterence to one or two sentiments on another political topic. Indeed, that was my object in beginning this letter, though I was led into the other by replying to yours in the order of their dates. You acknowledge the receipt of two letters from me, dated the 8th of May, 1789, but you have never said a word to me of the plan of finance, which was enclosed in one of them, from whence I conjecture that it was not well relished. I have seen much of the debates on the subject of our debts and finances, and observed with concern, that the Legislature have been divided by two opinions, against both of which solid arguments have been adduced. Truth, I still think, lies in the middle.

To assume the payment of what the States owe, merely because they owe it, seems to my capacity not more rational,

than to assume the debts of corporations, or of individuals. To establish a quota, or proportion of the whole, or of any part of the public debt upon different tracts of that great territory, which composes the United States, either according to past or present population, seems to me not consistent with justice. I say *the whole or any part*, for I cannot help viewing objects in a collective capacity, and judging of them upon principles. What is the debt? The *public* debt? The answer is centained in a definition of the words *Sums due by United America.* What are the sums? The value of monies advanced, services rendered, and supplies furnished to *America*, by any individuals, or bodies corporate or politic. By whom should this debt be paid? By existing individuals, or particular corporations, or communities? No. It is to be paid by the citizens of America at large; that is to say, by their annual contributions in proportion, as nearly as may be, to their wealth. He who purchases an acre of land in America takes it, like other mortgaged premises, subject to its just proportion of the debt; and he who, without purchase, becomes an inhabitant of America, becomes thereby liable, during his continuance, to pay his annual contribution in common with his fellow citizens.

Take any different doctrine, and try its truth by pushing it to the extreme. Suppose the whole debt were divided, by any ratio whatever, among the different States. Rhode Island and New York would each have their fixed proportion. But in twenty years the population of New York must be more than double to what it is, consequently each man's share of the burthen would be but one half; whereas in Rhode Island it must continue the same, consequently the taxes there must be double, consequently the inducement to quit it great, consequently a decrease of inhabitants, and thereby an increase of the burthens; while, from the same depopulation, the value of lands must be diminished.

Now this is not right. And that which is not right cannot last. Justice is the great support of nations. What then does

justice require? The answer, it seems to me, is clear. Pay to individuals what is due to individuals, and pay to corporations and communities what is due to them. If the individual or community be in debt, or not in debt, to others, is a circumstance which the public, the union, America, in short, has nothing to do with.

Having established thus the totality of the public debt, proceed next to make a provision for the payment. And, under this chapter, I must own that I differ from many of my worthy friends. I firmly believe, that the payment of the whole, with *the full interest*, is the best mode. First, I believe so, *because it is right*, and that is with me a sufficient reason; but, as in other cases so here, honesty is the best policy. As to the idea, that the people cannot pay it, I look upon that not only to be weak, but a contradiction of terms. The people are not able to pay—what? What they owe to themselves? They are not able to bear the burthen—what burthen? That which is already on their shoulders. But if they are not able to bear it, how are they to be relieved? By leaving them totally, or partially, as you found them.

Payment of the full interest is most economical; and here, one word on the speculations of foreigners. So long as those who hold the debt are in want of money, so long will they sell it for what they can get. The more valuable you render it, the more it will sell for; consequently, so far as foreigners are concerned, you will benefit by the difference. But the speculations of foreigners will alone enable you to reduce the interest (in other words the debt) with advantage. When it has been established for a little while, it will at six per cent get above par, and of course the holders may be called on to reduce the interest, or to receive payment. The natives would incline to the latter; but foreigners would purchase of them to secure to themselves even the lower interest, and thus things would be brought to their natural level, and thereby the interest of money in America would be lowered, a thing devoutly to be wished for, but not to be effected by legislative authority.

The other mode (pardon the expression) is what the French call eating your corn in the blade. Let both be brought to the test of plain arithmetic, and admit that in any given period, five years, if you please, the interest would of itself get down to four per cent, which seems to be the basis adopted, and which, therefore, I shall not dispute. Take any sum you please of foreign money, appropriated by the European capitalists to speculation in our funds. I observe, by the bye, that this sum is from the nature of things fixed to some certain amount, although from the nature of things it is impossible to ascertain that amount. The reasoning, however, will be equally clear in any hypothetic statement. We will therefore suppose six millions of dollars. One other position remains to be established, which may perhaps admit of dispute, but you will find it on inquiry to be a fact, viz. that the European capitalists regulate their purchases by the amount of the interest to be received. Suppose the rate they fix on to be ten per cent for their investment, they must then purchase at sixty per cent, if the interest of our debt be six per cent, and, consequently, the amount purchased will be ten millions. Whereas, if the interest be only four per cent, they will give but forty per cent, and, of course, the sum purchased will be fifteen millions. The difference of five millions is so much lost by the bargain to America, and as in the admitted case, interest is within five years to fall by natural causes to four per cent, which it certainly will, if we do what is right, the foreigners would then receive a revenue of only four hundred thousand from their capital invested, whereas, in the case of immediate reduction, they would receive six hundred thousand, not to mention the additional capital. Indeed, with respect to the capital, it is a thing of no consequence; for whenever the debt is properly funded, we shall find people as willing to accommodate us with money, as we can be to take it from them.

On the subject of public debts in general, I believe it may be taken as a maxim, that, whether foreign or domestic, the

debt necessarily creates the means for its support. If domestic, the revenue derived from the people to pay the expense is necessarily spent again among the people, and creates an advance in the price of things just about equal to the amount of the tax. And if it be a foreign debt, by means of commerce it operates gently to increase the consumption of our produce by our creditor nation. The striking fact to prove this principle is in Holland. That country was a great manufactory, but in proportion as it has lent money to others, the manufacturing has so declined, that they now take from their debtor England the very articles, which formerly they supplied.

But it is time to stop; for I find that, without being aware of it, I am converting my letter into a kind of political essay. I am, &c.

GOUVERNEUR MORRIS.

TO THE MARQUIS DE LA LUZERNE.*

Antwerp, October 12th, 1790.

I promised you, my dear Sir, to communicate some information respecting this country. It is not an easy matter to keep my word, because you probably know more of it already than I do, and because it is very difficult to fix an opinion upon such floating sentiments as now prevail.

One important point to be noticed, is a general discontent. Those who dislike the present government are not well pleased with the prospect of Leopold's return. Those who support that government do not see their way clear to independence, neither can they flatter themselves with deriving much advantage from the establishment of it. Having fostered the hope of foreign aid, they consider the withholding of it as an

* Ambassador from France in London; formerly French Minister in the United States.

abandonment of their cause, and even as a violation of faith. The Dutch are therefore much disliked, being the nearest neighbors, and the British and Prussians are not much approved of. The leaders of insurrection, having drawn the sword, (wisely I think) throw away the scabbard. For, though by continuing the war, events, fatal to them *may* happen, they have at least a chance of safety; whereas, from compact they could derive nothing but that insecure tenure of existence, which is, perhaps, more distressing than the certain loss of it.

The general opinion seems to be, however, that an accommodation with the Emperor must take place. Sometimes they turn their eyes towards France, but there, men of property behold a sacrifice of their rights; the church fears for its dignities, the people for their pastors, and the devout for the souls of themselves and their posterity; so that every motive, celestial and terrestrial, combines to prevent a union, which nature seems to have intended, and which man, perhaps for that very reason, has always labored to prevent. The fire, which has been kindled here, will not, I think, be so speedily extinguished as many imagine, and at any rate, some embers will long remain, and, perhaps, again involve this country and its neighbors in a general conflagration.

The Flemings have, you know, a little spice of obstinacy in their character, and although they have lately adopted that fine French fashion called *la lanterne*, we must not from hence too hastily conclude in favor of their genius or taste. It was *à la lanterne*, it is true, but still it was *à la flamme*, and by awkwardly introducing a confession upon the stage, the whole life and spirit of the scene were lost.

An affair lately discovered in this city was more in the style of native seriousness. A Dutchman and his wife, about to depart for Holland, having paid off all their bills, and settled their various accounts, remained very quietly at home, instead of commencing their journey; and well they might be quiet, for last Sunday morning they were found, the wife in one cellar, and the husband in another, both murdered.

Adieu. I have given you our news. Accept in addition what is very old, the sincere regard of, my dear Sir, yours,

GOUVERNEUR MORRIS.

ROBERT MORRIS TO GOUVERNEUR MORRIS.

Philadephia, October 31st, 1790.

My Dear Friend,

I have already told you, that, if time permitted, you should have a separate answer to your letter of the thirty-first of July, and if I confine myself merely to the contents of that letter, a very few lines will suffice, because we are agreed in sentiment on every point touched in that letter; so much so, that I could not help telling Colonel Hamilton, who dined with me yesterday, that I had just received a letter from you, offering to my consideration some of the very arguments, which I had used upon the floor of the Senate Chamber, in favor of the public credits.

I reprobated, as you do, the assertion so generally made use of, that America cannot now pay, and for the same reason, viz. that America *has* paid, and I insisted, that the contest *now* is only, whether the *whole* shall reimburse the *few*, who sustain the advance. I urged repeatedly, that the cheapest thing America could do was to pay six per cent, to fund it well, and pay punctually; that being the only means to prevent foreigners from making the enormous profits, which they do make out of our public debt, and insisting that all they make is lost to America. These, and many other arguments, I urged and repeated, until I was almost alone in these sentiments; and finding I could do nothing else, I filled the journals with yeas and nays upon all the questions, that related to this important business.

It is wonderful, you will say, that amongst such a collection of sensible men as compose the Senate, there should not be found a majority in favor of propositions so just and self-evident; but

the wonder ceases, when the word *popularity* is suggested. There are but too many, who sacrifice to that deity, and my belief is, that the public credit and creditors have been sacrificed to that idol. But it may be asked, why is such conduct popular? The answer is plain; because the many are to pay the few, and the many do not see in what their real interest consists, consequently those, who wish to please for the moment, indulge their vice and ignorance, so that whilst the multitude shall think it better not to pay, than to pay, the Legislature will be too apt to act in conformity with such opinions.

I have made it a point to urge and encourage the public creditors to subscribe to the new loans, but to come forward at every session with petitions or memorials, until they shall obtain further provision, equal to their just claims, and in the end this will, I expect, be obtained, but not until our country shall have lost greatly from its not having been done at first.

I cannot account for the non-appointment of diplomatic officers, in any other way, than by supposing that the Chief Magistrate is influenced by the general expression of sentiment against such appointments, made in both Houses at the time of debating the bill for establishing intercourse with foreign nations. He is now at Mount Vernon, and is expected back the latter end of this month, by which time my house will be ready for his reception. I now live in the corner house, next door to my former residence, and refer you to Mr Franklin* for all that respects my having given up my house to accommodate the President. I consider this amongst the sacrifices I have made, both of interest and convenience, and I think there is no other man for whom I would have done it. It will have the effect of keeping me at a greater distance from him, although I shall live next door. I have nothing to ask of him for myself. He cannot render me a service, and

* William Temple Franklin.

if I am seen much there it will create envy, jealousy, and malice, and I do not see why I should expose myself to be the object of such passions. I have suffered, most undeservedly, by them too often already.

You, my dear friend, must have discovered in the course of our acquaintance, that I have no real attachment to public life, although, from the share I have had in it, most people suppose otherwise. After my return from New York, I contrived to get clear of the intended contest, by declaring off from being a candidate for the government. Some blame me for it, because they wished to turn out Mifflin, and they thought I was the only person that could do it; but perhaps those very men would have served me, as they have served General St Clair, whose name they gave out, promising to support him, but never gave themselves any farther trouble; and, therefore, Mifflin's industry and promises carried him almost unanimously. I feel that I was right, and have such calls on my time, that I am sure it would have been wrong to take any part of it from my private affairs. Nay, I would now resign the Senatorship, if I could do it consistently. Adieu.

ROBERT MORRIS.

TO WILLIAM SHORT, AMSTERDAM.

Paris, January 21st, 1791.

My Dear Sir,

I am entirely in opinion with you, that the more our situation is inquired into, the more shall we rise in public estimation. Unfortunately there is no nation but the Dutch, in which individual interest urges such exact inquiry. The English merchants wish only to know the situation of their correspondents, the state of crops, and the prices current. Very many of them have the contradictory wish, that their connexions should prosper, and the country be wretched. The Ministers, who ought to be well informed, have not, I think,

the proper channels of information, and they must be desirous of lowering us in the general estimation, for many obvious reasons.

I mentioned to you at this place, and now recall to your recollection, the advantage of having power to borrow in other places than in Amsterdam. This would be beneficial *even if it were not used*, and I think also that it might be used beneficially. The Dutch having the monopoly of us will not fail to make use of their privilege, and hereafter we shall feel it pretty severely in the exchange. Our domestic debt also will be held in a great measure by them, and they will suck a great deal of our juices through those tubes. I know that eventually there is compensation for this, *mais en attendant.*

You judge most truly, that the examples held out in the neighborhood will not influence actors here. In addition to your applicable quotation, I observe that very few minds can profit by history or experience. The reason is plain. A great many never take the trouble to apply to either; and of those who do, the great herd are pedants, who look for parallel cases, and think they find them in the resemblance of trival circumstances. It has long been a maxim with me, that most men have the generosity to pay for their own experience. Nations, like men, must suffer for themselves, because they are composed of men; *and the more popular a government is, the less chance is there of wise conduct in untried circumstances.*

I am much diverted with your description of your Grand Bailli, but I think Horace had as great opportunities at Rome of seeing the extent of human *venality*, as he could have had any where. The difference between two countries, which I have heard of, and you too, seems to me that in one, the adoration of money is an established religion which men openly profess, whereas in the other it is a kind of heresy; but in proportion as they are obliged in public to worship at the altars of honor, they in private commit the greater excesses of devotion to their true deity. I am, &c.

GOUVERNEUR MORRIS.

TO THOMAS JEFFERSON.

Paris, November 7th, 1791.

Dear Sir,

Enclosed you will find some hints relative to coins, currency, weights and measures. The consideration of those things has occurred to me at different intervals for the last twenty years of my life, and I have frequently determined to begin a pretty extensive inquiry, and as frequently abandoned the idea. Indeed my other occupations will not afford the time. You, who have thought on the subject, know by experience that it consumes a great deal.

Anything which has the air of a system is, I know, very apt to disgust, and that too in the same proportion that the system maker is attached to his work. In respect to the object now in question, there are few men who will give themselves the trouble to go through the laborious calculations, which are needful to a clear understanding of it. I shall not be at all surprised, therefore, if the enclosed paper should have no other effect, than to occupy part of a pigeon hole in your great office; and truly, it is owing to my belief that such will be its fate, that you have not received it many months ago, for it is now above a year since it was written in detached pieces.

In copying it, the other day, an idea occurred to me which may, I think, be well worth pursuing in America. Whatever be the road measure adopted by the United States, they will of course cause the roads, when properly laid out, to be marked by milestones. Now I think it would be very useful to mark on each road the degrees and quarter degrees of latitude. This will involve but little expense, and when coupled with tolerable road maps, will fix with considerable precision both the latitude and longitude of every part of the country. I need not give you the reasons, because I am sure they will present themselves to your mind, as it were, intuitively.

I will not make this letter long, because the enclosed papers will be sufficiently tiresome. I would otherwise detail my

reasons for being of opinion that the adoption of weights, measures, and money on an easy and uniform plan, is an object of very great importance to America. Much more so than to most other countries. Every man is called by our constitution to share in the government. A knowledge of statics is therefore in some measure necessary to every American citizen, and the obtaining of this knowledge will be greatly facilitated by the establishment of a currency, which gives the means of conceiving immediately the value of any sum of foreign money; of a measure, which gives the same means as to distances and the surfaces of countries; and lastly, of a weight, which (combined with the currency) gives at the same time an easy mode for conversion of foreign weights. But I must conclude. Accept the assurances of my esteem, &c.

GOUVERNEUR MORRIS.

TO RUFUS KING.*

London, April 6th, 1792.

My Dear Sir,

I have received this day my credentials to the Court of France, and am pleased to find that I am considerably indebted to you for effecting that appointment. It is true, that a sense of obligation is not generally agreeable, but when a favor received serves to strengthen the connexions we wish to preserve, and unite us to the deserving few with whom we wish to live, it never fails to excite the most pleasing emotions.

The fortifying system has nearly passed away, as a fashion, in the military world, but I observe that it still prevails in political life; so that the virtue, which scorns to intrench itself in gravity and form, but comes naked into the battle, is soon driven off, and perhaps with shame. Some respected citizens are not acquainted with the goddess, and others fear to be seen

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*At this time a Senator in the Congress of the United States.

in her company, lest suspicion should light on a connexion, which suspicion could never form. Well, peace be with them; and since it is necessary, we will e'en dress ourselves like other folks, that so prudery may not be scandalized, nor deformity offended. I think if you and I should chance to grow old and converse together, it will be no small consolation to reflect that those measures, which have rendered our country great and happy, were carried in spite of the opposition of our enemies, whom we have pitied without contempt, though they have hated without cause.

As I have no doubt that you urged my appointment with a view to the public service, it is incumbent on you to comply with my request, to be favored with your correspondence. If I have not *good* information and *early* information, I can do little or nothing. You will easily conceive that a Minister, who knows not those affairs of his country which are known to many others, is placed in an awkward situation; besides, there is always a kind of traffic in articles of intelligence, among the members of the diplomatic body, in which beads and wampum are sometimes given for gold, to the satisfaction of both parties. It happens also not unfrequently, that by knowing good or bad tidings before any one else, we can make the most of the one, and obviate the worst of the other. For instance, in your St Clair's defeat, it might have been so handed out to the public, as to have looked like nothing, and if a horrible account had afterwards been published by your enemies, most people would not have been at the trouble of reading it. On the other hand, some of those gambling operations in the stocks, which, however they may prejudice the fortune, or even morals of individuals, are clearly demonstrative of the public prosperity, and of the energy, authority, and stability of government; these, I say, may be so stated occasionally, as to give a just idea of our importance to those numerous idlers, whose pursuit of knowledge rarely extends beyond a newspaper paragraph. And yet this great herd have more influence on national councils, than is generally imagined, and especially in France,

where everything is talked of, and hardly anything is understood. Lastly, it may happen that, from ignorance of the real state of things, a Minister may give up what his country would wish to retain, or pursue what they would not acquire.

You will tell me, perhaps, that there is a public office for the transmission of intelligence; and that is true, but the same object strikes different people in a different way. A load of unexpected business may distract the attention of that office, or letters may be lost, or long delayed; in short, considering the distance, and other circumstances, accident may often obstruct, or design totally stop that channel of communication. But why do I enter into this detail? You will see my solicitude, and you will believe, I hope, in the sincerity of my regard.

GOUVERNEUR MORRIS.

TO GEORGE WASHINGTON.

London, April 6th, 1792.

My Dear Sir,

I have hitherto, in my letters, communicated to you many things, which I should not willingly entrust to others, and in the course of events I may again possess information, which it might be well that you were acquainted with. At the same time it is, I presume, expected that the public servants will correspond fully and *freely* with the office of Foreign Affairs. It might therefore be deemed improper not to say *all* in my letters to that office. I wish you would give me your candid opinion on this subject. I should be extremely sorry to offend, or to give pain, but I cannot have the same unreserved confidence in others that I have in you, and my letter of the fourth of February will show, that cases may occur in which I am not even master of it.

I was told yesterday, that Mr Dundas has said that the United States have asked for the mediation of this country to

bring about a peace with the Indians. He told the same person, (a Mr Osgood, the new Chief Justice of the new Province of Upper Canada) that the treaty made long since by Sir William Johnson seemed to be the proper ground, on which *to fix a boundary* between the United States and the Indian tribes. I learn these facts in such a way, that I am confident of their truth, and therefore submit them, without any comment, to your consideration.

An express arrived last night brings an account of the assassination of the King of Sweden, on the twenty-sixth of last month, at a masquerade, and thus another crown falls on the head of a young sovereign. Those, who conceive the French Jacobins to be at the bottom of a great King-killing project, infer from the deaths of the Emperor, the King of Sweden, and the movements making against France, that the King of Prussia should take care of himself, and be cautious of his cooks and companions. Such sudden deaths in so critical a moment are extraordinary; but I do not usually believe in enormities, and I cannot see how a club can pursue a path of horrors, where secrecy is essential to success.

The young King of Hungary has made such a reply to the peremptory demands of France, as to cool a little the extravagance of joy manifested on his father's death. I am told that he is a disciple rather of his uncle Joseph, than of his father, and if this be so, he will not long remain idle. The death of his Swedish Majesty will, however, make some derangement in the plan of operations. How all these things will end, God only knows. I am, &c.

GOUVERNEUR MORRIS.

TO ALEXANDER HAMILTON.

London, April 10th, 1792.

Dear Hamilton,

I dined the day before yesterday *tête-à-tête* with the Russian Minister, Count Waranzow, who is a very sensible and well informed man. In the course of an interesting conversation after dinner, your name was mentioned, and he expressed a desire to see your various reports to congress. These he means to transmit to his brotber, who is the Minister of Commerce in Russia, in order to undeceive him with respect to the United States. You will not only oblige me, but do a very useful thing, if you will transmit these reports, with any other useful information, in an envelope directed to the Count Waranzow, Minister Plenipotentiary from the Court of Russia. You can send it to the American Consul here, to be delivered to him; *but choose a private ship for the conveyance.*

The Count, to show the importance of spreading such information, told me that when he came to this country, believing as he did in Mr Pitt's integrity, he readily adopted the statement given to him of our country, which was as poor and despicable as need be. He says that he is cured of his confidence in Mr Pitt, but that the impressions made with respect to America still exist to our prejudice in many places. He says that Mr Pitt had at one time, he believes, some disposition to make a commercial treaty with us, but that the arguments used by Lord Sheffield, and the indisposition of some of his colleagues, had changed this intention; that he may have returned lately towards his former mode of thinking, in consequence of our prosperous situation, but that we should be very much on our guard. I am, &c.

GOUVERNEUR MORRIS.

TO GEORGE WASHINGTON.

London, April 10th, 1792.

My Dear Sir,

There is an idea in your letter of the twenty-eighth of January, which upon second thought I find it my duty to examine, because, although it cannot now affect me, yet it may, perhaps, have some influence on Mr Pinckney's mission. At any rate, I wish you to be perfectly well acquainted with the leading features of the British Administration.

The thing I allude to is the cause, which has been assigned for the reserve I experienced in negotiating with this court. One leading point I cannot investigate, because the death of my friend, Monsieur de la Luzerne, has sealed his lips forever. But I very seriously doubt, whether he revealed what I said to him, and this for the plainest reason on earth. He was very apprehensive lest, in the deranged state of French affairs, we should call on his Court to support our application. He had made himself perfectly master of their sentiments respecting the treaty, and therefore, it was clearly his interest to appear unacquainted with the demand, and as to a treaty of commerce, he knew not one syllable on the subject.

As to the allegation of intimacy with the opposition, it is totally false. I saw none of them except Mr Fox, and him but twice in my life, and one of those times at a ball. In fact, knowing a little of their suspicious disposition, by confidential communications which the French Ambassador made to me, respecting his own situation and transactions, I purposely avoided the oppositionists, and went but rarely to see even Mr and Mrs Church, from that cause.

As to the hauteur, I believe the complaint to be, in one sense, founded. You know, Sir, that it was not necessary to insist, that they should actually appoint a Minister before we did. Time however has shown, that, in this instance at least, I judged rightly. If I could have listened to overtures derogatory to the honor and interest of my country, I should have

been held very highly. And the mortal sin was, that I did not listen to such overtures. You will recollect, Sir, that the Duke of Leeds offered to make his communications to you through me, when I last saw him, which I declined. At that moment, therefore, their reserve had not proceeded from the causes now assigned. Mr Burgess repeated this offer in the end of December. At a subsequent period they formed the plan of getting a Minister from America, whom they supposed they could gain by their attentions, and they hoped to make the stronger impression on him, by showing that they were the causes of his elevation and of my depression. You have disappointed them, and that will operate well.

I have already taken up more of your time than I expected, but this subject is important, and I must pursue it. During the armament against Spain, the Marquis del Campo, who valued his place very highly, and was desirous of holding it if possible, preserved a most profound silence to every body but this Court, and we know the ridiculous event of his negotiations, which must have been more successful, if he had acted with the sense and spirit, which the occasion called for. *He* is a great favorite at this Court. The next armament which Mr Pitt engaged in, was against the Empress, and every art was used to coax Count Waranzow into a conduct, which might subserve Mr Pitt's views. But the firm Russian was too wise and too honest to become either creature or dupe. They then attempted to bully him, as well as his Mistress, and he treated both with contempt. The consequence of his conduct was the complete success of his sovereign; and Mr Pitt, finding him too well fixed at his own Court to be shaken by his intrigues, has again had recourse to a complimentary and apologetical conduct.

During the course of that armament, the inclosed pamphlet was published under the Count's inspection and direction. You will collect from it some useful information. The British Ministry, knowing the truth of what is therein asserted, and still more of what is insinuated, shrunk from the controversy.

By the bye, I was astonished to find, that they had strongly supported the King of Prussia's attempt to possess himself of Dantzic. I was not so much surprised the other day to find, that Mr Pitt had asserted roundly in the House of Commons, that he had not stimulated the Turk to war. There is not a cabinet in Europe, that does not know the contrary, and many of his hearers too. I am, &c.

GOUVERNEUR MORRIS.

TO THOMAS JEFFERSON.

London, April 25th, 1792.

Dear Sir,

I had the honor, on the tenth instant, to mention to you the assassination of the King of Sweden. He is since dead of his wounds.

You will find by the public prints, that France declared war against the young King of Hungary, and we are of course to expect an immediate invasion of the Austrian Netherlands. I am told that this Court, notwithstanding their guarantee of that country to the House of Austria, are determined, if possible, to stand neuter; and, as a preliminary, have within these few days sent off a courier to announce to the King of Hungary their opinion, that, let the declaration of war come from whom it may, they consider him as the aggressor. This may be true, for a large party in the nation are opposed to the expense of *any* war, and particularly to that, whose object may be the subduing of a spirit of liberty in France. Mr Pitt will, I think, rather take the popular side of any serious question, and such questions may soon arise, and abundantly.

A society is forming to bring about a reform in the Representation. This is likely to prove very troublesome to the advocates of corrupt influence. The abolition of the slave trade is also disagreeable to them. When once the spirit of change begins to act, it is impossible to say where it will stop.

There are abuses in abundance, which either grow out of the present form of government, or have been so long connected and indeed blended with it, that a destruction of them cannot but give it some serious wounds. Hence there is, among the best friends of freedom here, no small degree of apprehension and anxiety.

In regard to the line of conduct, which may be pursued in Brabant, I do not believe that the King's Council are at all decided. The Dutch government have for some time past pressed hard for a decision, but without effect. The patriotic, or French party, in the United Provinces will, perhaps, seize the present moment to abolish the office of Stadtholder, unless his allies are in force to support him and awe them. If it be true, that the present intention be to preserve a neutrality, it seems to me that in case the war continues, it will be easy for Prussia and Austria to force them into it, simply by leaving the Low Countries exposed, for it is almost as much the interest of England as of the King of Hungary, and much more so than of the kingdom of Hungary, to prevent France from possessing herself of Flanders.

It is generally supposed, that this declaration of France will bring forward the whole of the Confederacy against her, which has been so long talked of, but this Confederacy has several inefficient members. Among these is Spain, the languor of whose administration is as great as at any former period of her history, and perhaps much greater.

I have learnt within these few days a fact, which it is proper you should be acquainted with. The President's letter to me, and my consequent communications with this Court, were made *immediate* use of to frustrate Mr Carmichael's negotiations at Madrid, *and with effect*. And yet I understand, that the mentioning a *part* of the object to the French Ambasrador, has been assigned by this administration, or by somebody for them, as a reason why my applications were not successful. I will make no comment. I am sure the proper reflections will suggest themselves to your mind in a moment.

I shall leave this city in two days, and proceed with all speed to Paris. I did wish to see Colonel Smith, who is, I understand, on his passage, and probably charged with some letters from you; but Mr Short is urgent with me to come forward, and therefore I shall go. I am, &c.

GOUVERNEUR MORRIS.

LORD GEORGE GORDON TO GOUVERNEUR MORRIS.

London, Newgate Prison, June 18th, 1792.

Sir,

Seeing your arrival in Paris announced in the English papers, as Ambassador from America, I use the freedom of a very old acquaintance to enclose a little publication, touching on the situation of these kingdoms, for your perusal; and I shall be happy to hear it has come safe to hand, and that you enjoy your health in Europe. The General, (Staats Long) never calls upon me;* to say the truth, we differed so much, in my mother's lifetime, about the American war, that he has never forgotten it. I hope Lewis Morris is well, and Richard and his family.

I am, Sir, with great respect, &c.

GEORGE GORDON.

TO LORD GEORGE GORDON.

Paris, June 28th, 1792.

My Lord,

I have had the honor to receive your favor of the eighteenth, and observe with concern, that it is written from a pris-

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*Staats Long Morris, a Major General in the British Army, and half brother to Gouverneur Morris. He married the Dutchess of Gordon.

on. * Accept my thanks for the communication of your printed letter. My mind has now for many years been employed in considering national objects, but yet I must confess to you, that I am not able to estimate the operation of religious sentiment on the political system of your country.

I believe that religion is the only solid basis of morals, and that morals are the only possible support of free governments. But when I come to apply these general ideas, it is necessary to possess all the facts and circumstances, which relate to the question. Such copious information I have not; and, if I had, I should greatly distrust my own judgment. Every day of my life gives me reason to question my own infallibility; and, of course, leads me further from confiding in that of the Pope. But I have lived to see a new religion arise. It consists in a denial of all religion, and its votaries have the superstition of not being superstitious. They have with this as much zeal as any other sect, and are as ready to lay waste the world in or der to make proselytes.

My last news from America announce, that the various members of my family are well. Accept, I pray, my thanks for your remembrance of them, and believe me, with respect, &c.

GOUVERNEUR MORRIS.

TO MADAME DUBOURG.

Translation.

Paris, August 17th, 1792.

Dear Madam,

Your charming little letter reached me on the 10th, amidst the roar of cannon. This appears to me to express everything, and is a very sad answer to the inquiries, which your so-

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* He was imprisoned for publishing a libel against the Queen of France. He died the next year in prison.

licitude has dictated. It appears to me too, that you build great hopes on the declarations of the Prince of Brunswick. As for me, I never had a very exalted idea of the effect, which could be produced by manifestoes. Threats before a blow do not amount to much, and even after a blow they are somewhat useless.*

If I had had the misfortune to be one of his counsellors, I would have insisted strongly that he should say nothing. Whoever would touch the heart must speak by actions. Far from advising threats, I should have recommended, on the contrary, the greatest mildness. If that were not good in itself, it is always necessary, in order to make the few examples striking and forcible, which ought to be the result of just and wise policy, not of headlong vengeance. It is necessary to be sparing of blood, otherwise horror is excited without impressing fear.

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* The Duke of Brunswick commanded the allied Austrian and Prussian forces, and his extraordinary Manifesto was dated at Coblentz, July 25th, 1792. The folly and madness of this production have rarely been surpassed. It excited the indignation of the French to a high degree, and had no small effect in hastening the scenes of horror, which ensued. The following threats are contained in the Manifesto.

'The National Guards, who shall fight against the troops of the two allied courts, and who shall be taken with arms in their hands, shall be punished as rebels. All the Magistrates shall be responsible with their heads. The inhabitants, who shall defend themselves, shall be punished instantly according to the rigors of the laws of war.

'Their said Imperial and Royal Majesties declare, on the faith and word of the Emperor and King, that if the palace of the Tuileries shall be forced or insulted, if the least insolence or the least outrage shall be committed against their Majesties the King and Queen, or the Royal Family, if provision be not immediately made for their security, preservation, and liberty, they will take an exemplary vengeance never to be forgotten, in delivering up the city of Paris to a military execution and total subversion, and the rebels to punishment.'

For a sequel to this rhodomontade, we have only to turn our eyes to the memorable tenth of August, and the terrible second of September.

The declaration of the Duke of Brunswick may be rendered in a few words. 'Be all against me, for I am opposed to you all; and make a good resistance, for there is no longer any hope.' As to the rest, even had threats been necessary, it were better to have commenced with some great success, and thus to carry the danger near to those, whom it is desirable to intimidate. For all objects strike us according to the distance of time and place. Hope flatters us all, and always. It persuades us to trust ourselves to fortune, at play as in business, and in business as at play. Calculations are rare, and the best are sometimes fallacious.

Believe always in my attachment; in that alone you can never be deceived.

GOUVERNEUR MORRIS.

TO THE COUNTESS D'ALBANI, AT GHENT. *

A Paris, le 30 Aout, 1792.

Dear Madam,

I had dated this letter, as you see, with the intention to write it in French, but I can better express to you in my own language the respectful attachment, which you have inspired, and my grateful sense of your kindness.

The lady you mention is still where you left her, but talks of changing her position. She desires me to convey to you in the strongest terms how dearly she loves you, and how deeply she is affected by all your kind solicitudes. Her family are as yet both well and free, but how long they may continue to enjoy the blessings of health and liberty is uncertain. Fear and suspicion have ever made men cruel. A timid government is, therefore, oppressive, whether it be exercised by a single despot, or whether the people tyrannize over themselves. This last, however, is sooner ended, because it brings

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* Madame d'Albani had recently left Paris, and gone to Flanders.

home to every man's bosom those terrors, which in the former case are confined to the minions of a court.

It is so much the common interest of mankind to establish order and justice, that these must eventually take place, let who will be entrusted with the sovereign sway ; and, therefore, we may expect that sooner or later the present inquisitions will cease. In the moment, however, they are severe, and many complain of oppression. Time will determine on the justice of their complaints. We have already seen the people adore the idols they had framed, and then break to powder the idols they had adored.

Lafayette is a strong instance of the instability of public favor. But yet, you must not conclude, that the people are incapable of a constant affection. The instances of it are rare, but that arises more from the scarcity of proper individuals, than from a defect in the public mind. There are very few who do their duty, *their whole duty*, and *nothing but their duty*. I foretold to Lafayette his fate a hundred times, while he was in the height of favor, and he was hurt, but not mended, for it is much easier to offend than to correct. I am sorry for him.*

You were mistaken as to Thionville. It was not taken, and seems determined not to be taken. We have but little news here, and it would be ridiculous in me to communicate that little, because you are nearer to the scene of action. Besides, I care little about details, having formed to myself some general opinions of the result, in which I may be much mistaken, but yet I think the chance of being right is better, than if I were each day to change according to the circumstance of the moment. If this country be preserved entire, it will again, I trust, be a pleasant and happy country. Experience will convey some lessons of wisdom to all, and all will learn in adversity some principles of virtue. Each in turn receives

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* Lafayette had been taken prisoner about ten days before the date of this letter.

correction. The voracity of the court, the haughtiness of the nobles, the sensuality of the church, have met their punishment in the road of their transgressions. The oppressor has been squeezed by the hand of the oppressed; but there remains yet to be acted one awful scene in this great tragedy, played on the theatre of the universe, for the instruction of mankind. Adieu. God bless you.

GOUVERNEUR MORRIS.

RUFUS KING TO GOUVERNEUR MORRIS.

New York, September 1st, 1792.

Sir,

I presume that you are furnished with our newspapers, and with the Journals of Congress; from them you will be able to form a pretty good opinion of the state of parties here. The Gazette of the United States, published at Philadelphia by Fenno, is on one side, and the National Gazette, published at the same place by Freneau, a clerk in Jefferson's office, is on the other. In this paper every measure of the government is censured, and if you believe the accounts it publishes, the country is generally dissatisfied. The contrary, however, is the truth. We are, and have reason to be, the happiest people in the world; our government is established, it performs as much as its friends promised, and its administration has evidently advanced the prosperity of our citizens.

The opposition, that now exists, arises from other principles than those, which produced an opposition to the constitution, and proceeds from that rivalry, which always has and will prevail in a free country.

The revenues are abundant, and are collected with unexampled fidelity. The branch called excise will soon be productive. The Northern States are satisfied with this tax, and new distilleries are building for the distillation of corn and fruit. This tax has been complained of in the back counties of

Pennsylvania, Virginia, and the Carolinas; but as the law is better understood, the objections are overcome, and, by the mild and steady measures of government, all opposition will soon disappear. Add to this, the tax will work a reform in these districts, since it will destroy a great many small distilleries, and make the business a branch of labor, instead of being, as it hitherto has been, a ruinous employment pursued by every family.

The national judiciary, without having been much employed, has been the means of settling a large proportion of our foreign debts. From the Potomac east, nothing remains to be settled. In South Carolina, where immense sums were due, they are doing well, and in a few years will be in a very prosperous condition. Virginia will be the last to do, what her own interest required her long since to have performed.

The settlement of our new lands is only equalled by the increase of our population. You hear of companies formed or forming in all the States, for the improvement of our inland navigation, and thus the most distant lands will become almost as valuable as those nearest to our principal markets.

Our commerce and navigation continue to increase, and what is of still more consequence, the capital employed is in a good degree an American, instead of a British one. The sound state of public credit, and the establishment of banks, have already given aid to commerce, and will soon afford assistance to manufactures and agriculture. The National Bank has established branches at Boston, New York, Baltimore, Richmond, and Charleston, and will go on to place others in such situations, as will best promote their own, and the public interest. The facilities which this institution gives to trade, and to the collection of the taxes, is generally acknowledged; and, by establishing a connexion in Holland and London, which is in contemplation, it may deal profitably in exchange, as well as place itself in a situation to avoid the dangers, to which Banks are exposed by the exportation of coin.

Though we are preparing a respectable force to oppose the Indians, still we have taken every measure to conclude a peace, and, from the characters of the agents engaged in this business, there is reason to expect success. At any rate we shall make no campaign this year; the season will be spent in disciplining the army, and in efforts to establish peace. The frontiers are quiet and well guarded against incursions. Washington and Adams will be rechosen this winter; the first without opposition. Whether the opponents of Mr Adams will combine their opposition, I consider as uncertain. Should this be the case, Clinton will be their man.

We are in a singular situation respecting our Governor. A majority of the votes at the late election was given to Mr Jay. A majority of the canvassers rejected the votes of three counties, under the pretence of a defect in the form of the returns, and declared Mr Clinton elected. The minority of the canvassers protested, and it is very probable that a majority of the State disapprove of the decision of the canvassers. The legislature will meet in November, and it will be attempted to procure a resolve for the calling of a convention, for the sole purpose of annulling the canvassers' decision, and ordering a new election. Mr Clinton qualified, and is in the exercise of the office.

Thus, my dear Sir, I comply with the proposal that you made me in your letter from London, (April 6th,) and give you an outline of our situation. I will hereafter do more, by furnishing you with those incidents, which from time to time may occur, and which may serve to explain the views of the persons engaged in our public affairs. Our information respecting France comes principally through England, and is so confused and colored, that we are unable to form a rational opinion of their affairs. You are in the best possible situation to obtain and give exact intelligence, and you will do me a favor to gratify me on this subject.

With sincere esteem, I am, dear Sir, your obedient servant,

RUFUS KING.

ALEXANDER HAMILTON TO GOUVERNEUR MORRIS.

Philadelphia, September 13th, 1792.

Sir,

The legislature at their last session having made provision for paying off the debt due to foreign officers, the interest of which is payable at the house of Mr Grand, banker at Paris, and the President having authorised me to carry that provision into effect, I have concluded to commit such part of the business, as is to be transacted at Paris, to your management, not doubting of the cheerfulness with which you will render this service to the public, and to my particular department.

The object not regarding your diplomatic mission, and Mr Jefferson being absent from the seat of government, I open without scruple a direct communication with you on the subject.

By the tenor of the certificates, which were issued, the stipulation to pay at Paris is confined to the interest. The principal is of course payable in the United States.

To enable you to make payment of this interest, Mr Short is directed to subject to your order, in the hands of our Commissioners in Holland, the sum of one hundred and five thousand guilders.

Enclosed is a list, showing the names of the persons to be paid, and the amount of principal and interest due to each; computing interest from the first of January, 1789, up to the last of the present year. *

The reason for beginning at the first of January, 1789, is that Congress placed a fund in the disposition of their then Minister Plenipotentiary, to make payments up to that time, and though an account of the application of that fund has not

* The number of foreign offices, who held such certificates, was *thirty*. The amount due to them at this time was 209,504 dollars, including principal and interest.

been rendered, it is understood that the payment provided for was made.

By the list referred to, you will find, that the sum directed to be placed to your order is adequate to the object.

The instruction of the President to me is, to cause the payment to be made in a 'mode which will exempt the parties from the loss attendant on the depreciation of the Assignats, and at the same time occasion no loss to the United States.'

The line of conduct, which has appeared to me proper to fulfil the spirit of this instruction, is to give to each creditor his option, either to receive payment in bills on Amsterdam, dollar for dollar, according to the intrinsic par of the metals at Paris and Amsterdam, or to receive an equivalent in Assignats, according to the current rate of exchange between Paris and Holland at the time.

To exemplify what is meant by an equivalent, suppose the following data.

1. That two and a half guilders are equal to a dollar, according to the intrinsic par of the metals at Paris and Amsterdam.

2. That the current rate of exchange between the two places is twenty per cent against Paris; that is, one hundred guilders at Paris will bring only eighty at Amsterdam.

3. That the sum to be paid for principal and interest is one hundred dollars.

The computation to ascertain the equivalent will then stand thus;

If 80 be equal to 100, so will 100 be equal to 125; 125 $\times 2\frac{1}{2}$ is $= 312\frac{1}{2}$ guilders, which being converted into livres, at par, will be to be paid in Assignats, at their nominal value, *livre* for *livre*.

I have made an arrangement to begin the discharge of the principal here, at any time after the fifteenth of October next, upon demand, and the production of the certificate by the party, or his legal representative, or Attorney duly constituted and authorised. Notice will be given, that after the last of

December next interest will cease, as to all those, who shall not have made application for their principal by that day.

I request, that you will also cause some proper notification of this arrangement to be given in France.

As the certificates will be required to be produced here, the payment of interest at Paris must be made without the production of them. Especial care must of course be taken to ascertain, that the payments are made to the identical creditors, or their certain Attornies. It will be well that duplicate or triplicate receipts be taken for such payments, in order that one or more sets may be transmitted with the accounts current.

Should there be any, who may prefer receiving their whole dues, interest as well as principal, here, they may have the option of doing it; but in this case, they must make known their election to you, or to some person, whom you shall appoint, and must obtain a certificate from you, or the person appointed by you, of their having made and communicated that election. Should you authorise another person for the purpose, you will please to inform me, without delay, who he is, and send me his signature.

The payments are stipulated to be made at the house of Mr Grand; and those which have been heretofore made have passed through his hands. The same course will be proper, unless there are good reasons to the contrary. You, who are on the spot, will judge how far any such reasons may have resulted from the tempests, which have of late agitated the kingdom; and you will act accordingly. Nobody knows better than you, how important it is to make no misteps in money concerns.

With the most respectful consideration, I have the honor to be, &c.

ALEXANDER HAMILTON.

TO ROBERT MORRIS.

Paris, December 24th, 1792.

My Dear Friend,

You will long ere the present day have learnt, that the scenes which have passed in this country, and particularly in this city, have been horrible. They were more so than you can imagine. Some days ago a man applied to the Convention for damages done to his quarry. The quarries here are deep pits, dug through several feet of earth into the bed of stone, and then extended along the bed of stone under the surface. The damage done to him was by the number of dead bodies thrown into his pit, and which choked it up so that he could not get men to work at it. Think of the destruction of hundreds, who had long been the first people of a country, without form or trial, and their bodies thrown, like dead dogs, into the first hole that offered. At least two hundred of those unhappy victims had committed no other crime, than that of being ecclesiastics of irreproachable lives, who were conscientiously scrupulous of taking an oath prescribed to them. I am much mistaken if we do not experience similar scenes before the present revolution is finished.

Adieu, my dear friend. I write from a place deserted of its former inhabitants; where, in almost every countenance, you can mark the traces of present wo and of dismal forebodings. I am, &c.

GOUVERNEUR MORRIS.

TO JAMES LOVELL.

Sainport, near Paris, April 30th, 1793.

My Dear Sir,

Your letter of the eighth of last month reached me yesterday afternoon, at my little country box on the banks of the Seine, to which I have retired to breathe more freely than in the

capital. General Duportail has long since shared the fate of his predecessors in administration.* Whether at present he be in France, or elsewhere, is a subject of wholesome doubt as to him. You, who are conversant with the history of ancient Greece, will perceive, by what past at Athens, how in a democratical government men may quickly rise, and with what rapidity of complete ruin they may be thrown down, to rise, and, perhaps, to live no more.

I will make inquiry respecting the person who, having become your debtor, seems desirous of continuing under his present obligations to you. Such is frequently the gratitude of the world; but more frequently we see that favor begets enmity; and thence it too often arises, that where *the many* are called on to act, and, of consequence, are not, like *the few*, under the restraints imposed by public opinion, they invert the christian maxim, and return evil for good; so that ingratitude is as natural to a democracy, as prodigality to a court, or despotism to an aristocratical government. If I can find your debtor, I will endeavor to procure for you the payment of what he owes; but it is much to be feared, that he is one of the many emigrants from this divided country.

Adieu, my dear Sir; I wish you health, and all that may be needful to the due enjoyment of it.

GOUVERNEUR MORRIS.

TO MRS EUPHEMIA OGDEN.

Saiuport, near Paris, June 23d, 1793.

My Dear Sister,

It was but two days ago, that I received your letter of the thirty-first of March. I sincerely sympathize in what you suffer for the loss of your child; but it is some consolation to me,

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*Concerning General Duportail, see the second volume of this work, p. 120.

that before this can arrive, and even while I am writing it, the lenient hand of time will already have blunted the edge of your affliction. In such melancholy events, my dear sister, should such again befal you, reflect more on the blessings you possess, than on those you are deprived of. Think also, that, in our blindness to futurity, we often rejoice at what becomes misfortune, and weep over the sources of our own felicity.

This consideration should lead us to moderate both our joys and our sorrows, and induce us, from reason as well as from religion, to submit with something more than patience to the high hand of heaven. Say then with Pope, in his Universal Prayer,

'Save me alike from foolish pride,
  And impious discontent,
At aught thy goodness hath denied,
  Or aught thy bounty lent.

'This day be bread and peace my lot;
  All else beneath the sun,
Thou know'st if best bestowed or not,
  And let thy will be done.'

It is on that will, which nothing can resist, that must depend our happiness both here and hereafter. How consoling, then, the reflection, that His bounty is as unbounded as His power! Confiding in the one, be resigned to the other; and accepting with gratitude what it may please Him to give, surrender with respectful obedience what He shall think proper to take away. O God! thy will be done.

Farewell, my dear sister. Believe in the tenderness of that affection, with which I am yours,

GOUVERNEUR MORRIS.

TO MADAME DE CHASTELLUX.*

Sainport, near Paris, June 23d, 1793.

My Dear Madam,

I have received yours of the fourteenth. I know not whether my last reached you. Indeed, the apprehension that other eyes than yours may read what I now write, lays me under a painful restraint in expressing myself. Still, however, I must entreat you to communicate to your amiable and unhappy mistress, (the Dutchess of Orleans,) my sensibility for her cruel situation. Her fate is so extremely hard, that severe afflictions seem yet necessary, not only before she can be restored to peace, but even for that very restoration.† In some respects, however, the clouds dispel, and in her children she may meet with consolations unexpected. In her virtuous soul she may find an unfailing source of bliss, which neither time nor chance can destroy; which will, I trust, assuage her anguish in this world, as it cannot fail to exalt her transports in the world to come.

I am, and for about two months past have been, in the country, about eight leagues from Paris, but in the opposite direction from Vernon. I would have paid my respects to the Dutchess, but for those events, which it is needless to mention, any more than the reasons resulting from them.

I still flatter myself with the hope, that all the broken ends of society will be again tied together, and the calm will be so much the more pleasant, as you have been tossed and tormented by the storm. It bellows loudest on the mountain's brow,

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* Madame de Chastellux was now residing with the Dutchess of Orleans, on an estate belonging to the family at Vernon in Normandy.

† The Dutchess of Orleans, with all the members of the Bourbon family, had been put under arrestation on the sixth of April. Her husband was now in prison at Marseilles. Her father, the Duc de Penthièvre, had died on the fourth of March preceding, at Vernon. Her children were all taken from her, and some of them in prison.

but yet so wasteful and so wide its rage, that the sweet violet of the humble vale shrinks at the blast. Little Alfred * is so far happy, that he has not yet put forth his buds, and may hope a milder season for his bloom. That fortune may smile on his youth, and gratify with rich fruits your maternal affection, is, my dear Madam, the sincere wish of your friend,

GOUVERNEUR MORRIS.

TO ROBERT MORRIS.

Sainport, June 25th, 1793.

My Dear Friend,

I have barely time to acknowledge yours of the eighth of April, annexed to a duplicate of the second of March. The advertisement mentioned in that letter not being received, is one reason for not taking up just now the subject matter.

I know well that orders have been given to effect my recall, and I told Colonel Smith so, who did not believe it, but on inquiry found that it was true. If I did not mention this to you at the time, it was out of delicacy, (perhaps ill judged) for where I alone am concerned, I leave things to the discussion of my enemies.

I suspected, but I did not say so, that Paine was intriguing against me, although he put on a face of attachment. Since that period, I am confirmed in the idea, for he came to my house in company with Colonel Oswald, and, being a little more drunk than usual, behaved extremely ill; and, through his insolence, I discovered clearly his vain ambition. At present, I am told, he is besotted from morning till night. He is so completely down, that he would be punished, if he were not despised.

I have in a former letter explained to you why I could not properly resign. Let me add here, that if I get through this

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* Infant son of Madame de Chastellux.

mission honorably, it will be a master-piece ; and yet nine out of ten will say, that it was the easiest thing in nature. So every schoolboy thinks he can write verses till be comes to the trial. If I fail, I shall not be ashamed of it ; for, to tell the truth, fortune must be propitious or else——

As I suppose that the Senate have a communication of our despatches, so far as may suit the department of State, you will be able to form some judgment of what my situation has been ; and I think the President will do me justice in his opinion, however political considerations may sway his conduct, of which I shall never complain ; for an individual is never to be placed in competition with the public good. I am, &c.

GOUVERNEUR MORRIS.

TO ROBERT MORRIS.

Sainport, March 27th, 1794.

My Dear Friend,

I have never received the letter you mentioned to have written on the 11th of October, nor indeed, until yours of the 4th of January, have I received a single line from the United States since the month of July, (that is, of posterior date to July,) and I am now full six months since the receipt of the latest public despatches.

I hope that the new Secretary of State, who was formerly an attentive man to business, will contrive to let the servants of the United States in foreign countries hear, from time to time, whether their letters are received. I am very disinterested in this hope, for different reports from various quarters seem to concur in the idea that I am to be recalled. On that subject, I will here express to you my opinion, as coolly as if I were speaking of a stranger, and concerning a transaction of the last century. It will not be wise. If the government here were fixed on any permanent basis, it would be proper for America

to have here a man agreeable to the rulers of the country; *provided always*, that he did not, to render himself agreeable, sacrifice the interests entrusted to his care. But during the changes which hourly, as it were, take place, it is impossible for any man to do the business he is called on to perform, unless he have the consciousness of support from home; and unless those who are here be well convinced, that he cannot be removed at the will and pleasure of any faction or party in the country where he resides. The power to remove is more than equivalent to the power of appointing, in its influence on the mind of the agent, and so it will be found in its exercise.

On the present occasion it is lighter than a feather. I will pursue what I conceive to be the true interests of America, in spite of faction or calumny in either hemisphere, or in both; saving always my obedience to the instructions I receive. M. Genet's attempts I conjectured beforehand; but I should suppose, that his channel was not the best, through which to apply for the appointment of a successor to me. Mine on his subject met with every attention, which could be desired.

You are mistaken, if you suppose that my habitation merits the name of chateau. A chateau was in my offer on most eligible terms, but I am not a lover of show and magnificence. My house, my humble house, in the neighborhood of many superb chateaux, exhibits a plentiful, plain, wholesome table, and commands a cellar of excellent liquors. Temperance and hospitality are the tutelar deities that preside. If I could receive you in it, the former of these goddesses might chance to be neglected for one evening, in the course of which her sister should rule alone; or rather I would give them both a holiday, and we would together brighten the chain of ancient friendship, which will, I hope, endure as long as we do. At this moment, I look out of my window and see the pear and plum trees in full bloom. The peaches and apricots and almonds are already formed. The apple trees are advanced. We have had hardly any winter, and, if there comes no frost, the season will be wonderful. But last May, and in its two last

days, the frost was so severe as to destroy almost everything. The potatoes were cut off close to the ground. They dread the moon of April, which is called *la lune rousse*, i. e. the red-haired moon. Generally, there is in that time some cold weather. Within these few days past, it has been so hot, that exercise at noon was very disagreeable. This is the best farming country I ever saw, taking it for all in all; but it is badly cultivated. Our country is capable of producing much better fruits, and with far greater certainty. I will not except either grapes or plums; except the nectarine I may. And, by the bye, it is a beautiful bad fruit.

You tell me, that I can be more useful to the United States and to myself in America, than here, which I can readily believe; but I hope this does not mean the putting me in any office. My wish is to pass quietly what may remain of life, when I get home, and to close my little circle at the spot where it began. I do not mean by this to say, that if my services were *necessary* to my country, they should be withheld; but I hope that no such *necessity* will ever exist, and I have modesty enough to believe so. For though there are some men, and certainly one man, whose official existence is essential to America, I know that mine is not.

I believe that my residence here has been of little use, but that is not my fault. If the present Secretary of State should take the trouble of reading over my letters from the beginning, he will find that I have given regularly, for months beforehand, on account of what would happen. If credit was not given to my predictions, it is not my fault. As to my conduct here, I will neither praise nor excuse it, but confine myself to the sincere wish, that my successor, whoever he may be, may act with more wisdom in a situation less critical; and for the rest, I leave it to fortune, which is but another name for Providence, knowing that the world judges only from events, and, of course, that the General or Statesman, who gains one brilliant affair, is more applauded, than he who,

resists with small force or assistance, and in a dangerous situation, through the course of a long campaign.

I am ashamed of having said so much of myself even to you; I therefore quit the subject, desiring my affectionate compliments to Hamilton, and my congratulations that he has such violent enemies; for if it be just to judge a private man by his friends, it is not amiss to estimate a public officer by his foes.

God bless you, my dear friend. Remember me affectionately to Mrs Morris, and those of your family who are now with you.

GOUVERNEUR MORRIS.

TO ROBERT MORRIS.

Sainport, April 25th, 1794.

My Dear Friend,

Since my last, there have been abundant executions at Paris, and the guillotine goes on smartly. It was a matter of great doubt before the blow was struck, which party was the strongest. Perhaps the victory depended on the first stroke. Danton, when condemned, or shortly before it, told his judges, that he had observed in reading history, that men generally perished by the instruments of destruction, which they had themselves created. I, said he, created the *Tribunal Revolutionaire*, by which I am shortly to be destroyed.

Shakspeare had made Macbeth pronounce the same dreadful sentence on the wickedly ambitious long ago.

> 'We still have judgment here; that we but teach
> Bloody instructions, which, being taught, return
> To plague the inventor. This even handed justice
> Commends the ingredients of our poisoned chalice
> To our own lips.'

God only knows who next is to drink out of the same cup; but, as far as I can judge, there is no want of liquor.

The rest depends on circumstances. Adieu, my dear friend. Remember me to all those who remember me, and believe me yours,

GOUVERNEUR MORRIS.

TO THE CHEVALIER DE ROTHE.

Translation.

Altona, March 17th, 1795.

Sir,

I have to thank you for two letters. The last dated the 10th has just arrived. You do too much honor to my mind and judgement. Without contending on points of politeness, I will proceed to facts.

Your desire to become a citizen of the United States of America, in preference to any other foreign country, is of a nature to inspire me with an interest, if it were not already very strong, in every thing relating to you; but I dare not advise you to this course. The trade of a soldier is not that, to which we attach the greatest value. You know that it is the custom in free countries, or those which think themselves so, to declaim against standing armies, to boast of the militia, &c. In America we are sheltered from any attempt, which an armed power could rationally make.

Were even the universe to combine against us, it would take at least a year before they would be able to transport thither a sufficient number of troops; therefore our military establishment will always be very slender. At this very moment, they are thinking, I believe, of reduction rather than augmentation in this branch. In fine, in so thinly peopled a country, if it were necessary to pay for either of two trades, one would give the preference certainly to that of producing, rather than that of destroying men. It is in your own Europe, where the excessive number of bipeds makes war necessary, that its instruments are carefully sought for, and loaded

with honors. Adieu, Sir; whatever plan you may adopt, rely ever on my friendship. I have the honor to be, &c.

GOUVERNEUR MORRIS.

TO GEORGE WASHINGTON.

Altona, June 5th, 1795.

My Dear Sir,

This will accompany my last of the thirtieth of December. Within these two days I have received duplicates of the letters to which that was an answer. Accept, I pray you, my thanks for that attention.

Many little things have detained me here, since the navigation opened, but the day after tomorrow I shall, I trust, embark for London. I will take the liberty of writing to you from that city, on the state of things as they shall then appear. I can say nothing better on the peace with Prussia, than what a French *valet-de-chambre* wrote from Paris to his master in this country. 'It was necessary that his Prussian Majesty should make haste to save our dignity, for in three months we should have been on our knees to beg peace from the Allies, on any terms they might prescribe.' I long since gave you an idea of the Cabinet in that country. I omitted perhaps the word corruption, and if so, you may write it in capitals; but the half-way talents of Prince Henry may be considered as one cause of that measure, which will, I think, tend in its consequences to melt down the Colossus raised by the great Frederick.

I consider Holland as a ruined country, more especially if the war should continue for two years longer; and Britain will suck up that commerce, which formerly flowed through so many channels to Amsterdam. It seems probable, also that the war will ere long be felt in this quarter of Europe; but I suspend all further observations for the present, and the rather, as I am just returned from a tour through this Dutchy, and am packing up for my departure. I am, &c.

GOUVERNEUR MORRIS.

TO GEORGE WASHINGTON.

London, July 3d, 1795.

My dear Sir,

This letter will be confined to a single object. I had yesterday the honor to see Lord Grenville. After some general conversation, we fell naturally on the state of things between this country and America. On the capture of our provision vessels, (premising that I had no right to interfere,) I expressed a wish, that the redress intended might be speedy, as delay was hurtful to the merchant. His Lordship told me, that he believed everything possible was done to facilitate the settlement, and was inclined to think the price allowed would render the capture rather useful than injurious to the owners.

He then told me, that he was glad of the opportunity to mention some things, which had led him to apprehend that he had been mistaken, as to the dispositions of our government. He had acted in the persuasion, that these were friendly, and could make allowances for those acts, which in free governments must be attributed to the popular will of the moment, but those things which he had in contemplation seemed to proceed from the government itself. His Lordship instanced, as one of them, a Report of Mr Innes to the governor of Kentucky, in which he states that the withholding an acknowledgment of our right to a free navigation of the river Mississippi, by the court of Spain, must be attributed in part to British influence. His Lordship repeated to me his sentiments on that subject, already confided to Mr Jay, who will doubtless have communicated them to you. It results, that the declaration of Mr Innes is both unjust and injurious.

I took upon me to say, that such expressions must not be considered as coming from the government of America, but merely as the opinion of the person by whom they were uttered; and I know you so well, that I am satisfied I run no risk in giving this assurance.

Permit me, however, my dear Sir, to observe, that it seems

most consistent not only with the prudence, but the dignity of government, to prevent as much as possible, these hot speeches, lest we should fall into the state described by Butler,

> 'When hard words, jealousies, and fears,
> Set folks together by the ears.'

His Lordship was particular in mentioning, that these things do not excite irritation but apprehension. This distinction consists with his Majesty's dignity, but the ultimate object is the same, since either of them must lead to disagreeable consequences. Now there is every reason to believe, that the governments mean well and fairly to each other; it would therefore be particularly unfortunate, that misunderstandings should arise, especially in the present moment, and on ground the most foreign to your temper and disposition. I am, &c.

GOUVERNEUR MORRIS.

Note to Lord Grenville.

Mr Morris had written a letter to the President, and was about to seal it, when it occurred that as he had taken the liberty of repeating a part of what Lord Grenville did him the honor to mention yesterday, it might be proper to give his Lordship the trouble of reading what he had written. He begs leave to present his compliments, and to request that Lord Grenville will be so kind as to note anything, which may appear inaccurate in the enclosed letter.

LORD GRENVILLE TO GOUVERNEUR MORRIS.

Dropmore, July 4th, 1795.

Lord Grenville has the honor to return the letter, which Mr Morris inclosed to him. The statement which it contains of Lord Grenville's expressions is perfectly accurate, and such as he wished to be conveyed to the President of the United States. If he has any remark to make upon it, he would ob-

serve, that he did not mean to describe Mr Innes's report as imputing the difficulties at Madrid solely to British influence, but as including that among the causes which impede the negotiation.

To the President, who must of course be acquainted with the paper in question, this remark may be unnecessary, and when Lord Grenville has next the honor to see Mr Morris, he will put the paper into his hands.

TO GEORGE WASHINGTON.

London, July 16th, 1795.

My Dear Sir,

It has been impossible for me, owing to an ague and fever, to write to you as I intended a very long letter. This will, I expect, be delivered to you by Mr Livingston, my late secretary while in France, who will be able to give you much useful intelligence respecting that country. I regret his absence from London just now, as I would otherwise give him some matter, which must not be written. I am in the intention to see this country, that I may judge of it for myself; and I may perhaps, next autumn, go to Vienna, so as to see on the spot some persons and things, about which as yet I have only hearsay. Perhaps in the winter I may take a tour through Italy.

Wherever I am, and in whatever situation, believe me always, &c.

GOUVERNEUR MORRIS.

P. S. On conversing with Mr Livingston, you will, I think, find him of a judgment ripe beyond his years. He is modest, polite, sensible, and brave. Should he incline to pursue diplomatic life, I am persuaded that he will become a most useful person. Already his prudence may be relied on.

G. M.

TO GEORGE WASHINGTON.

Wimbledon, August 23d, 1795.

My Dear Sir,

Just before I left town, I received a letter from Mr Mountflorence, informing me, that Mr Skipwith, whom Mr Monroe had appointed to the Consulate at Paris, intended to resign, and that Mr Monroe had promised to recommend him to that place. He, at the same time, desired me, (if I thought him fit for the place,) to mention it to my friends in America. After this introduction, I take the liberty to tell you, my dear Sir, that if Mr Mountflorence should be appointed, I think you will not be dissatisfied with his conduct. There is one reason why it would be agreeable to me, viz. that you would then have there a person, who is attached to you.

I am sorry to see, that Mr Jay's treaty has occasioned so much clamor in America. I believe the defects might easily be corrected, and they seem to me to have arisen as much from oversight, as anything else. I have not, however, conversed on the subject with any of the King's Ministers; indeed I was but two or three days in London, after returning from my tour through the south of England, and shall now set off again for my northern tour, which will take six weeks or two months, so that I do not expect to see any of them for some time to come.

You will have seen that Spain has made peace with France. I presume that Sardinia, and the Italian States, will follow this example; and Portugal, whether at peace or war, is not to be considered as a belligerent power. Austria, therefore, and England are the only parties with which France has now to contend, and it seems not improbable that this will be the last campaign. It does not follow, that peace will be fully restored, for I do not quite see on what terms it is to be made. Germany asks and certainly wishes, that France should cede the countries it has conquered from the empire; but having no equivalent to give in exchange, nor any force to compel the

cession, it seems not quite likely, that the conqueror will be persuaded to make the desired surrender. Flanders will, I think, be another object of difficult disposition. If retained by France, the situation of this country will be very insecure, and I have reason to believe, that Mr Pitt would not, except in the last necessity, make peace on such terms.

Of the West India Islands I shall say nothing, because you will always know more of what is doing there, than we can. The British fleet will probably maintain a decided superiority there, as in Europe; consequently a chief of real talents, to whom a broad discretion shall have been given, might do much, very much. Has Britain such a chief to send thither? Will the government leave him a sufficient liberty to act? These are questions which I cannot answer.

The failure of the Quiberon affair seems to have arisen entirely from the misconduct of those French officers who commanded. The party of the royalists is in great force, and if they knew their strength throughout France, (which, from the measures taken to prevent a communication of sentiments, it is very difficult and almost impossible for them to do,) they would soon overturn the present powers. A second expedition is now going on from hence, and will be directed to a point more proper, than that where the last attempt was made. Admitting that peace were concluded, it is highly probable that France might become the theatre of a long and furious civil war. You will have observed, that they are endeavoring at a less absurd constitution, than those by which they have been hitherto pestered and tormented. But supposing they should even adopt a good one, which seems unlikely to happen, still, in my opinion, they will not be easy under it; for they never appeared to me to have the needful education, nor the proper temper, for free government. I continue to be persuaded, that they will fall under the domination of some single despot, but I am by no means clear as to the person, nor the mode by which he is to get into authority. Should the party of the royalists succeed, the business is then settled

for a time very simply, otherwise it may be the result of civil commotion, and in all cases the fatigue of such violent convulsions will induce that turbulent people to submit to the yoke with great tameness.

This hemisphere seems in general to be oddly situated. Few of the existing governments possess vigor equal to the trying circumstances, which surround them; and, in many, corruption is superadded to weakness. The French and Prussian Cabinets are endeavoring to stir the Turk, and if they bring him into action, it will probably terminate to his great disadvantage; but about this they are indifferent, provided he would make a powerful diversion to forces, which are now employed against France, and others which menace Prussia. I believe this last will be reduced to insignificance before the close of the present century, and, in the mean time, I should not be surprised at their invasion of Hanover. France is so much exhausted, that she can do little, very little if anything, at a distance from her own frontier.

Sweden, who is begging for cash, without which her efforts will be futile, cannot, I think, obtain any adequate assistance. And in the mean time, Russia will probably bring about another revolution in that country, and re-establish the Senate. Denmark will fall into the scale of Russia, Austria, and England, rather than that of their enemies. The season is so far advanced, that no stroke will probably be struck in the north this year, owing principally to the feebleness of the Cabinet of Vienna.

In all cases Holland appears to me to be completely undone. The bankruptcy of their India Company, long palliated, now stands confest, and that of the nation exists, though not avowed. Her commerce is totally suspended, and as the great mass of the people derived thence their means of subsistence, the distress will be great and general. Discontent as general must then arise, and if the French protection be withdrawn, the patriots (so called) will probably be sacrificed. In the case of a general pacification, I do not see how, or on what

principle, the ruling powers can keep up a large French army in the heart of their country. But in whatever manner it may be done, they can, from the nature of things, be no more than the upper servants of such an army. Placing the matter in the fairest point of view, and supposing the present party to be the strongest, still they will not, I think, be able to establish that order and security, without which commerce will fly far from their shores. Hence I conclude, that London will become the great emporium of trade in Europe, unless the Arch Enemy should put it into their heads to make revolutions here also, which will not, I believe, be the case during the life of the present monarch. I am, &c.

GOUVERNEUR MORRIS.

TO GEORGE WASHINGTON.

London, December 19th, 1795.

My Dear Sir,

I have had it several times in my mind to write to you since my arrival in this city, but something or other has always happened to prevent it. I might have told you, near a month ago, that Mr Liston, the British Minister at Constantinople, is appointed to represent this Court in America. Speaking with Lord Grenville on the subject the other day, he said, 'Your friend Woranzow is very angry, that I have taken Liston from Constantinople; he will not understand, that it is more important for us to have an able Minister in America, than at the Porte.' It is true that Woranzow is vexed, for he tells me that Liston managed matters extremely well, and is one of the very few good diplomatic characters, whom this country possesses.

When I first saw Mr Adams, (understanding that he was empowered to negotiate with this country during Mr Pinckney's absence,) I offered him any assistance, which I could give, but to my great surprise he told me that he was here

merely as a private individual. A day or two afterwards, in conversation with Lord Grenville, after stating what I conceived to be the true policy of Great Britain respecting the West India Islands, and their commercial intercourse with us, (in which he agreed and said he had treated on that very ground,) I observed, that the difference might, I thought, be settled on a simple principle, viz. after limiting the size of the vessels, to state a maximum of duty on the export of their productions in our bottoms, the precise rate to be fixed from time to time by the King. He was struck with the idea, and thought that 'something might be made out of it.'

Let me not forget to mention, though it comes in here rather out of place, that nothing will so strongly affect the government of this country, as the view of an American navy, though in embryo. Wherefore I do most ardently desire, that something may be done this session towards its establishment. And I flatter myself, that, in the present temper of America, any taxes for that object would be cheerfully borne. In a Republican government, the friends to the country must watch for favorable moments to get those things done, which are needful for the public weal.

A strange story has been handed about of a conspiracy in America, between the French Minister and others. I presume that it arose from the affair of Mr Randolph, which Lord Grenville related to me, as also the additional hints communicated by him to Mr Jay for your use.

You will have seen, that Monsieur de Puisaye is arrested by the royalists of the western coast of France. If it was not from treason, it was certainly through great incapacity, that he caused the failure of the Quiberon expedition. It was indeed too feeble, but the plan was his own, and though I think the ministers have confided in him too much, that does not lessen his responsibility. I am persuaded, that great efforts would have been made from hence in that quarter, and probably with effect, but the wild thundering manifesto of the new French King rendered it impossible to stand forth in his favor.

Hence a change of system became unavoidable, and administration had reason to congratulate themselves that they had gone no farther. The bringing back to the Vendée that victorious army, which had dictated terms of peace to feeble Spain, obliged the royalists to disperse and conceal themselves, but late transactions on the German frontier having obliged the French government to reinforce their armies, and send for that purpose the troops which overawed Paris, those in the Vendée are, it seems, to replace them, and so the disaffected begin again to hold up their heads.

It has not escaped your penetration, that France is now a military government, and of course in the straight road to single despotism, should she obtain peace with the allied powers; but there is at present a very wide distance between her expectations and theirs. She doubtless is exhausted, but what convulsive struggles she may still make seems uncertain. In my opinion not great. Austria is also much weakened in her finances.

But this country is still fresh as a youthful bridegroom, of which nothing can afford a clearer proof, than the present complaints among one party of the monied men, that they had not permission to supply the Minister with eighteen millions at L4. 13. 6 per cent interest. This new loan bears above ten per cent advance in the market, although there is no covenant on the part of government not to open a new one. Indeed, it is expected that a considerable sum will be borrowed for the Emperor, and so high is the spirit of the people upon the late successes of the Austrian armies, that he may have just as much as he chooses to ask for.

It is on the ground of these superior resources, that the well informed here expect his Majesty's Ministers will be able to dictate their own terms to France. This could not be done, should that country come forward and offer *now* to retire from Holland and Flanders, which by and bye they will be forced to do; for even at present, nothing will, I believe, prevent Marshal Clairfait from attempting, at least, to march into the

Low Countries, but the well grounded doubt whether he could seasonably collect the needful magazines for the subsistence of his army.

It is expected every moment here, that an express will arrive to announce the capture of Trincomalé, and the valuable island of Ceylon. In short, if Holland be not speedily restored to the Stadtholder, Great Britain will soon possess all the Dutch possessions in India, which she may think it worth while to take. As to St Domingo, the elements have hitherto fought in favor of the French, and detained here the immense armament fitted out against it; not less than twenty-five thousand effective men! Let the success be what it may, the effort is wonderful.

I have already assigned a sufficient reason, why I say nothing on the subordinate questions depending between this country and us; neither will I say a word about Mr Pinckney's treaty with Spain, which you will doubtless receive before this letter reaches you. But I will drop one hint upon a great leading point, viz. the right of neutral powers to trade with the West India Colonies of a belligerent power, upon a permission given by such power during the war. I will not discuss this as a question of law, neither would I ever, or in any situation, attempt to support what I conceived to be unjust. Yet, as a statesman, I will venture to say, that this government is contending now for the very point, which it is our interest to establish, and which would form our main reliance, should we be engaged in any war against those who have such colonies. Adieu, my dear Sir. I am, &c.

GOUVERNEUR MORRIS.

GEORGE WASHINGTON TO GOUVERNEUR MORRIS.

Philadelphia, December 22d, 1795.

My Dear Sir,

I am become so unprofitable a correspondent, and so remiss in my correspondences, that nothing but the kindness

of my friends, in overlooking these deficiencies, could induce them to favor me with a continuance of their letters; which, to me, are at once pleasing, interesting, and useful. To a man immersed in debt, and seeing no prospect of extrication, but by an act of insolvency, (perhaps absolvency would be a better word,) I compare myself; and like him too, afraid to examine the items of the account, I will, at once, make a lumping acknowledgment of the receipt of many interesting private letters from you, previously to your last arrival in England, and will begin with those written subsequently on the third of July and twenty-second of August.

As the British government has repealed the order for seizing our provision vessels, little more need be said on that head, than that it was the *principle*, which constituted the most obnoxious and exceptionable part of it; and the condition in which this country was thereby placed in her relation with France. Admitting, therefore, that the compensation to *some* individuals was adequate to what it might have been in another quarter, yet the exceptions to it on these grounds remained the same.

I do not think that Colonel Innes's Report to the Governor of Kentucky was entirely free from exceptions. But let the Report be accompanied with the following remarks. First, that the one, which Lord Grenville might have seen published, was disclaimed by Colonel Innes as soon as it appeared in the public gazettes, on account of its incorrectness. Secondly, an irritable spirit at that time pervaded all our people at the westward, arising from a combination of causes, (but from none more powerful, than the analogous proceedings of Great Britain in the north, to those of Spain in the south, towards the United States and their Indian borderers,) which spirit required some management and soothing. But, thirdly and principally, Lord Grenville should have adverted to the many remonstrances, which have gone from this country against the conduct of his own, which I will take the liberty to say has been as impolitic for his nation, if peace and a good

understanding with this was its object, as it has been irritating to us. And that it may not be conceived that I am speaking at random, let his Lordship be asked, if we have not complained, that some of their naval officers have insulted and menaced us in *our own ports?* That they have violated our national rights, by searching vessels, and impressing seamen, within our acknowledged jurisdiction, and, in an outrageous manner, have seized the latter, by *entire crews*, in the West Indies, and have done the like, but not so extensively, in all parts of the world? That the Bermudian privateers, or, to speak more correctly, pirates, and the Admiralty Court of that Island, have committed the most atrocious depredations and violences on our commerce—in capturing and in their adjudications afterwards,—such as were never tolerated in any well organized or efficient government? That the Governor of Upper Canada has ordered, in an official and formal manner, settlers within our own territory, and far removed from the posts they have withheld from us, to withdraw, and forbiden others to settle on the same? That the persons, to whom their Indian affairs are entrusted, have taken unwearied pains, and practised every deception, to keep those people in a state of irritation and disquietude with us; and, to the *last* moment, exerted every nerve to prevent the treaty, which has lately been concluded between the United States and them, from taking effect?

These complaints were not founded on vague and idle reports, but on indubitable facts,—facts not only known to the Government, but so notorious as to be known to the people also, who charge to the last item of the above enumeration the expenditure of a million, or more, of dollars annually, for the purpose of self-defence against Indian tribes thus stimulated, and for chastising them for the ravages and cruel murders, which they had committed on our frontier inhabitants. Our Minister at the Court of London has been directed to remonstrate against these things with force and energy. The answer, it is true, has been (particularly with respect to the in-

terferences with the Indians) a disavowal. Why then are not the agents of such unauthorized, offensive, and injurious measures made examples of? For wherein, let me ask, consists the difference *to us* between their being the acts of government, or the acts of unauthorized officers or agents of the government, if we are to sustain all the evils, which flow from such measures?

To this catalogue may be added the indifference, nay more than indifference, with which the government of Great Britain received the advances of this country towards a friendly intercourse with it, even after the adoption of the present Constitution, and since the operation of the government; and, also, the ungracious and obnoxious characters, (rancorous refugees, as if done with design to insult the country,) whom they have sent among us as their agents, who, retaining all their former enmity, could see nothing through a proper medium, and, becoming the earwigs of their Minister here, were always laboring under some unfavorable information and impression; and probably not communicating in a less exceptionable manner than they themselves received or conceived them.

I give you these details, (and, if you should again converse with Lord Grenville on the subject, you are at liberty, unofficially, to mention them, or any of them, according to circumstances,) as evidences of the impolitic conduct—for so it strikes me—of the British government towards these United States; that it may be seen how difficult it has been for the Executive, under such an accumulation of irritating circumstances, to maintain the ground of neutrality, which had been taken; and at a time, when the remembrance of the aid we had received from France in the revolution was fresh in every mind, and while the partizans of that country were continually contrasting the affections of *that* people, with the unfriendly disposition of the *British government*. And that, too, as I have observed before, while *their own* sufferings, during the war with the latter, had not been forgotten.

It is well known that peace has been, (to borrow a modern

phrase,) the order of the day with me, since the disturbances in Europe first commenced. My policy has been, and will continue to be, while I have the honor to remain in the administration, to maintain friendly terms with, but be independent of, all the nations of the earth; to share in the broils of none; to fulfil our own engagements; to supply the wants, and be carriers for them all; being thoroughly convinced, that it is our policy and interest to do so. Nothing short of self-respect, and that justice which is essential to a national character, ought to involve us in war; for sure I am, if this country is preserved in tranquillity twenty years longer, it may bid defiance, in a just cause, to any power whatever; such, in that time, will be its population, wealth, and resources.

If Lord Grenville conceives, that the United States are not well disposed towards Great Britain, his candor, I am persuaded, will seek for the causes, and his researches will fix them as I have done. If this should be the case, his policy will be opposed to the continuance or renewal of the irritating measures, which I have enumerated; for he may be assured—though the assurance will not, it is probable, carry conviction with it from me to a member of the British administration—that a liberal policy will be one of the most effectual means of deriving advantages to their trade and manufactures from the people of the United States. It will contribute, more than anything else, to obliterate the impressions, which have been made by their late conduct towards us.

In a government as free as ours, where the people are at liberty, and will express their sentiments—oftentimes imprudently, and, for want of information, sometimes unjustly,—allowances must be made for occasional effervescences; but, after the declaration which I have here made of my political creed, you can run no hazard in asserting, that the executive branch of this government never has suffered, nor will suffer, while I preside, any improper conduct of its officers to escape with impunity, nor give its sanctions to any disorderly proceedings of its citizens.

By a firm adherence to these principles, and to the neutral policy which has been adopted, I have brought on myself a torrent of abuse in the factious papers in this country, and from the enmity of the discontented of all descriptions. But, having no sinister objects in view, I shall not be diverted from my course by these, nor any attempts which are, or shall be, made to withdraw the confidence of my constituents from me. I have nothing to ask; and, discharging my duty, I have nothing to fear from invective. The acts of my administration will appear when I am no more, and the intelligent and candid part of mankind will not condemn my conduct without recurring to them.

The treaty entered into with Great Britain has, as you have been informed, undergone much and severe animadversion; and though a more favorable one were to have been wished, which the policy perhaps of Great Britain might have granted, yet its demerits are not to be estimated by the opposition it has received; nor is this opposition sanctioned by the great body of the yeomanry in these States. They, whatever their opinions of it may be, are disposed to leave the decision where the Constitution has placed it. But an occasion was wanting, and the instrument, by those who required it, was deemed well calculated for the purpose of working upon the affections of the people of this country towards those of France, whose interests and rights, under our treaty with that nation, they represented as being violated; and, with the aid of the Provision Order, and the irritating conduct of the British ships of war and agents, as mentioned before, the means were furnished, and more pains taken, than upon any former occasion, to raise a general ferment with a view to defeat the treaty.

But knowing that you have other correspondents, who have more leisure, and are equally capable of detailing these matters, I will leave you to them and the gazettes for fuller information, and a more minute account of the prevailing politics. Thanking you for the interesting intelligence and opin-

ions contained in your letter of the 22d of August, I shall only add, that, with sincere esteem and regard, I am, Dear Sir, your affectionate friend,

GEORGE WASHINGTON.

TO GEORGE WASHINGTON.

London, January 5th, 1796.

My Dear Sir,

I did myself the honor of writing to you on the nineteenth of last month, of which letter I now transmit a copy. I expressed an idea in the close of it, which may perhaps require an explanatory observation. Suppose it should be admitted in general, that the neutral, who, by virtue of a special permission granted during the war, exercises a commerce with the belligerent power's dominion, from which he was excluded during the peace, should be considered as taking part so far with such power, and be liable, in consequence, to seizure and confiscation; are there not circumstances, which must *generally* qualify that *general* position? In the *particular* application of it to the commerce with colonies in the West Indies, are there not circumstances, which require particular exceptions, in regard to the United States. I incline in both cases to the affirmative, and I consider it as highly important, that the law of nations, on these points, should receive a clear exposition by that species of tribunal, which our late treaty with this country has established.

It is also my opinion, and ever has been, that the maxim, *free ships make free goods*, is in principle unfounded, will in practice be disregarded, and in its application to us cannot but prove injurious. As to the principle, I will say nothing, because the stipulations made to that effect, between contracting powers, show it to be their opinion that the law is otherwise. For these stipulations are not in the nature of a declaration, as to what the law is, but of an exception to it. As to the prac-

tice, it will be sufficient to remark on the conduct, which France has pursued towards us during the present war.

But as to the application of this principle towards the United States, in any war which we may sustain against one of the commercial powers, it may be proper to view it well before we submit to it. Whenever, and in so far, as we shall have agreed to it, we cannot, as others do, shake off the shackles of our plighted faith. Our enemy, although bound up to the same principle, will, if it prove inconvenient, find pretexts to elude, or else wholly disavow it. We are then reduced to the necessity of pursuing his steps, to the violation of our faith, *and of our Constitution*, the greatest, in my opinion, of all possible evils; or else we must see the commerce of our enemy secured by a neutral flag, and our own exposed to capture.

Let it, however, be admitted, that our enemy will respect the principle, which his treaties, like ours, have established with a neutral power, shall we then stand on an equal footing with him? Certainly not. I know not any part of our commerce, which neutrals may not carry on, upon their own account, both in peace and in war. Our country, therefore, could suffer no suspension of her trade by being engaged in hostilities. But the case of our enemy would be widely different. The powers of Europe, from the defect of a liberal policy, and the operation of mutual jealousies, have attached themselves more or less to barbarous systems of monopoly and exclusion. Hence it happens, that, in time of war, neutral subjects cannot take up those branches of commerce, which, in the hands of those who are exposed to capture, become extremely precarious, without exposing themselves to great risk and damage, should the opposed power go to the full exercise of his rights.

And this is most particularly the case in regard to all those commodities produced by the southern part of our hemisphere. These, taken in the mass, form the most valuable commerce, which the nations of Europe possess, and, by the immutable laws of nature, they must be transported, as it were, by our

doors. Can it then be wise to preclude ourselves from the right, which we now possess, of taking them when at war with the owners? Let us suppose we were at variance with Spain, and then ask whether it would be consistent to see a ship of Hamburg take in dollars at Vera Cruz, and transport them to the north of Europe, there to purchase naval stores and salted provisions for the purpose of carrying on hostilities against us. Or if the principle of *free ships free goods* be established, let it then be explained how such act could be prevented; especially if it should be also admitted that a neutral subject may, by special permission granted during the war, carry on a trade from which he had been previously excluded.

To look forward to the end is a common maxim of prudence, and I know not any person who has conformed to it more exactly than you have. I know, also, that false principles of a pretended philanthropic philosophy have greatly deluded many bookish statesmen, who make for themselves a world of their own in their closets, and govern it as maids do their children, and bachelors their wives. I am sorely afraid, that, in the business I have just mentioned, we shall, for the sake of a fine philosophical theory, sacrifice a great national interest. I am, &c.

GOUVERNEUR MORRIS.

TO GEORGE WASHINGTON,

London, January 11th, 1796.

Dear Sir,

When I wrote to you on the fifth instant, of which letter a copy is enclosed, I had not time to notice a subject, about which different ideas are entertained here. I mean the late measures taken in France to establish their finances. These may perhaps be announced in America, not only as the perfection of human wisdom, but also as inevitably productive of

the best effects; in which respect, they would differ from those perfections of wisdom heretofore exhibited on that theatre.

Our experience in America would have proved, had proof been necessary, that the natural effect of paper money is to consume all the personal property of a country. Not intending to write a treatise on that subject, I will not here go into the reasons why, from the nature of money, be the form or substance what it may, the circulating medium is represented *only* by the movable property of a country; excepting always the case of actual sales of land; which land does, for that single moment, represent the precise sum received. It follows, however, that in proportion to the increase of that medium, or the decrease of commodities which it represents, including in these the debts for which it is a tender, the prices will rise or the money lose of its value. This is clear, supposing that value to depend only in a small degree on opinion, but if it depend greatly or entirely on opinion, depreciation, inasmuch as it effects opinion, becomes the cause of ulterior depreciation.

The Assignats were going on, in this natural progression, when, after the revolution of the tenth of August, measures of increasing cruelty were successively adopted to force property out of the hands of its owners, or at least to render the possession of it highly dangerous. At the same time, the total suspension of foreign commerce shut up all remaining commodities within the country, and the permission to export was only granted in exchange for articles wanted by the government. Thus the value of the paper was forced up by a kind of qualified robbery, on the part of the government, which gave its paper for those things, which it obliged the owner to sell, and which all but its agents were prohibited from buying, by the very same means that compelled the sale.

Mankind were pretty generally the dupes of these appearances, and although they were going on to increase the nominal amount of their paper to more than the fee simple of the whole country was worth, people, whose habits and professions

should have taught them better, persisted in the absurd idea, that all that mass of paper would be paid according to its specified value. When I left France, that system being for a while suspended, I did not hesitate to declare that the paper would fall rapidly; and being pressed by one of its advocates to say, how far, and in what period, I gave it as my opinion, that it might in a year be at a hundred for one. Strange as this opinion then appeared, experience has more than justified it.

This is a tedious preface to what I meant to say, but it seemed proper to show, by example, that the ideas even of professional men may be very erroneous upon this subject, which our experience has, I believe, enabled us to consider more maturely, than many others. You will have seen that one of the first plans suggested in France was to issue, under a different name, new paper for the old. As this was not adopted, the absurdity will not be detailed. Another plan, which does not appear to have been made public, was to call on individuals of property to give to the government their negotiable bonds; and then to obtain supplies on the credit of those bonds; the cash to be supplied in the first instance at a great discount by societies of monied men in Paris, and these to reimburse themselves, with advantage, by sales of shares in such operations to wealthy foreigners. This plan was impracticable, not merely from the doubt whether foreigners would embark their funds in such speculations, but also from the want of capitalists in France to set the machine in motion. These had been destroyed *pecuniarily* by the Assignats, and *physically* by the guillotine. I come now to the plan, which was actually adopted.

This consists *theoretically* of three parts. First, to issue only 30,000mn livres in Assignats. Secondly, to fix their relation to specie at 100, which would reduce the mass to 300mn. Thirdly, to exact by force, and under the name of a loan, the contribution of 600mn, over and above all other taxes, of which one half is to be paid in paper at 100, and the other half in specie. The reasoning on this

fine system is conclusive. The paper moiety of the loan pays off all the Assignats. The specie moiety pays the expenses of the ensuing campaign, which cannot but prove glorious to the Republic. And then she opens the year 1797 with a trivial remnant of her ancient debt, much of which was prudently discharged by the guillotine, and with a prodigious landed property on which to issue new Assignats, and run again round the circle, which she will have then just completed.

Admitting, for argument's sake, that it be possible to levy that enormous assessment, and it is utterly impossible but by such depreciation of the paper as must render the payment merely nominal, the sum of the argument amounts to this; that France, now exhausted beyond anything of which modern times can furnish an example, should be able not only to defray the expenses of a vigorous war, and that too with a most prodigal administration, but also to discharge a debt of twelve millions sterling. This is at the first blush an absurdity. As to paying the debt, it is indeed very easy, for by nominally increasing the amount, it will by the force of depreciation discharge itself. The Assignats are already at about 200, and if extended to 40,000mn, they will be under 400, in which case the amount will be only 100 millions, or four millions sterling, that is, one third of what the system makers calculated.

But as to the expenses of the campaign, that is a different affair. Should they retire within their own limits, and openly profess the determination to make peace, provided their limits were secured to them, it is hard to say what might be the extent of those efforts, which they might yet make. For, in this case, we must take into calculation the national pride, her characteristic enthusiasm, and the force of a government the most absolute in its nature, and whose members have everything to gain and to lose. As these circumstances go out of the usual course of financial calculation, I will not dwell upon them. My object was merely to convey some ground for the

opinion I entertain, that the newly adopted system of finance is radically defective, inasmuch as it appears to my mind self-evident, that no force of taxation can squeeze out from the people of France a sum equal to the unavoidable expenditures; so that, if their enemies persist in the war, they must keep the press agoing as long anything can be done with it; and then resort to the convulsive struggles of despair.

But I hear you say, Will their enemies persist in the war? I own to you, that I am not able to answer that question decisively. I will not speak of the views, which I may suppose this court to have; but all the world, except the members of Parliament who are in opposition, see that Britain is gaining more by the present war, than she ever did in any equal period of time during her history. Austria cannot but feel, that the contest wears her down for the sake of recovering the Low Countries, which from their remote situation must ever be an onerous and precarious possession.

Should France, therefore, cede her conquests, I cannot see why the Emperor should not immediately quit the game, and proceed to those exchanges and arrangements, which will suit his views. It is true, that his engagements with this country and with Russia might stand in the way; but after making certain propositions to the former, he might hold himself excused by their non-acceptance, and the Empress would rather have the aid of her imperial ally, to secure the spoils of Poland against any attempts which might be made by Prussia and Turkey, than furnish a body of her troops to be employed on the Rhine. Will the desire of re-establishing the House of Bourbon in France have any material operation? On this subject I will write to you at my first leisure. This is enough, I fear, to tire your patience; so I bid you adieu.

GOUVERNEUR MORRIS.

TO SAMUEL OGDEN.

London, February 2d, 1796.

My Dear Sir,

You seem surprised at my long stay in this country, but I am detained by the necessity of settling some affairs before I return home, and in which reputation as well as property are concerned; so that I might be compelled to return to Europe, should I leave it precipitately. Add to this, that I had reason to apprehend being called again into public life were I in America; but, so long as I continue abroad, I can trust to the industry of my enemies for keeping me in a private station.

Yet I wish most ardently to return, and would not stay one instant beyond the time needful to adjust the dependencies above alluded to. I know well that my property must suffer in some respects by my absence; and I am sure, that I could live more comfortably at Morrisania, than I can anywhere else; but I will not, if I can avoid it, leave anything in such a state, as to give any person the least ground for a shadow of complaint. As to property, I never was much attached to it, and, without attempting to estimate the results of my different concerns, I think that, in a general point of view, I must, if justice be done me, be able to live decently.

I have the consolation never to have handled any public money, so that slander cannot attack me on that, which is the favorite quarter of those who assail the fame of others. Let me but wind up quietly my private transactions, and then, though I may not be rich, I shall hope at least to be quiet. Quietly to enjoy the advantages of those two constitutions,* which I have had some share in framing, forms the summit of my ambition. The little happiness, which I may have, will be sought for in the bosom of that private society of friends, whom I hope to live and die with, in that land where I first saw the light. I am, &c. GOUVERNEUR MORRIS.

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* The Constitution of the State of New York, and that of the United States.

TO GEORGE WASHINGTON.

London, March 4th, 1796.

Dear Sir,

The last letter, which I had the honor to write, was of the eleventh of January. On the subjects there mentioned I will only say, that the French finances are quite as bad as I supposed they would be, that another campaign seems now unavoidable, and that it is so much the interest of some among the allied powers to restore the royal authority in France, that I think it will now form a real object. If you ask my opinion of the chances, I will tell you that, properly attempted, it must, humanly speaking, be effected.

I hasten to communicate my latest advices from Paris. These are, that a fleet is to conduct to you the new French Minister, who will be directed to exact in the space of fifteen days a categorical answer to certain questions. What these are I can only conjecture, but suppose that you will, in effect, be called on to take part decidedly with France. Mr Monroe will no doubt endeavor to convince the rulers of that country, that such conduct will force us into the war against them, but it is far from impossible that the usual violence of their councils will prevail. I am, &c.

GOUVERNEUR MORRIS.

TO ALEXANDER HAMILTON.

London, March 4th, 1796.

My Dear Hamilton,

I have just now written to the President, to communicate some intelligence lately received from Paris. This I have done in the abstract, but my correspondent has written to me as follows. (Here was inserted the letter from ———.) This letter is dated in Paris the fifteenth of last month.

You may be sure, by my communicating this to you, that

I have confidence in the sources from whence it is derived. Now, my dear friend, I have barely stated to the President the intention as to the new Minister. His late declaration, as to the existing French government, has prevented me from saying a word to him on a subject, where he has, I think, committed himself.

To you I will declare my conviction, that this government cannot stand, whether the monarchy be restored or not. The people in general are averse to it. The adherents to the royal cause grow daily more numerous. If I knew decidedly the steps to be taken in aid of them, I could tell you almost with certainty whether they would be successful, for the state of that country now presents sufficient data on which to reason soundly.

I need not say to you, that if the French rulers persist in the measures, which are above mentioned, America will probably be obliged to take part in the war. On a former occasion, when they talked somewhat highly, I told them that they could certainly force us into the contest; but as certainly it would be against them, let the predilections in their favor be ever so great, because it would be madness in us to risk our commerce against the navy of the world. That to join them could do them no good, and must do us much evil. At *that* time they believed me. What representations Mr Monroe may make, I cannot pretend to divine, and much less the effect of them. Supposing, however, that you should be driven to make this election, *you* will naturally weigh not only the naval force, but also the financial resources of the opposed powers. The noisy folks with you will undoubtedly be loud on our obligations to France, and on the long list of our grievances from England.

As to the former, I think we should always seek to perform acts of kindness towards those, who, at the bidding of their Prince, stepped forward to fight our battles. Nor would I ever permit a frigid reasoning on political motives to damp those effusions of sentiment, which are as laudable in a na-

tion, as they are decorous to a private citizen. But would it be kind to support that power, which now tyrannizes over France, and reduce her inhabitants to unheard of misery? Would it be grateful to mix with, much less league with, those whose hands are yet red with the blood of him, who was our real protector? Would it be decent?

As to the conduct of Britain towards us, although I see as clearly as others the ground, which we have for complaint, and can readily account for the resentments, which have been excited, yet I give due weight to the causes by which that conduct was instigated; and if in some cases I find it unjustifiable, I cannot consider it as in all cases inexcusable. Provided, therefore, that our honor be saved, I am so far from thinking, that the injuries we have endured should become the source of inextinguishable hatred and perpetual war, that I would rather seek in future amity and good offices the fair motive for consigning them to utter oblivion. I have not, my dear Hamilton, any such view of our present political machinery, as to judge what may be the effect of lofty menace. I apprehend that some feeble councils will be given. Whether they will be received and pursued, you best know, and will doubtless act accordingly. What I have to ask is, that you would put yourself in the way of being consulted. I mean locally, for should you be at a distance, the time may be too short for communication.

It is possible, after all, that the demand may turn on a single point, viz. that we shall no longer pretend to claim an exemption from seizure for those goods of an enemy, which may be found in our ships. If so, the case is plain and easy. We slide back to the law of nations, which it is our interest to preserve unimpeached. Probably we shall be called on for our guarantee of St Domingo, and here many questions will arise, in the course of which we shall see, perhaps, some wise and virtuous slave-masters contending for the propriety of general emancipation, with all its consequent train of crimes. It appears certain to me, that the French Directory would not

risk high language to us, if they had not received previous assurances, that the people would force our government to sacrifice the national interest. These assurances were, I presume, given and the present plan proposed while victory seemed yet bound to the French standards, and while you received official assurances of the prosperous state of their internal affairs. The scene is now not only changed, but almost reversed, and I presume that the language, if not the conduct, of certain persons will experience a similar change.

Adieu; I am forced to conclude thus abruptly. You know I am always and truly yours,

GOUVERNEUR MORRIS.

GEORGE WASHINGTON TO GOUVERNEUR MORRIS.

Philadelphia, March 4th, 1796.

My Dear Sir,

Although I have but little expectation, from the information which I have received from your sister, Mrs Ogden, that this letter, with a copy of my last to you, will reach London before you will have embarked for America, I have determined, nevertheless, to take the chance of it; and accordingly have put it under cover to Mr Pinckney.

Hitherto the business of the session, though slow in its progress, has been tranquil in discussion. By some misconception of Mr Deas,* or some strange fatality attending his despatches, the formal ratification of the treaty by his Britannic Majesty has never yet been received; but having sufficient and official evidence of the fact, both from Mr Deas and the British Chargé des Affaires residing here, it was proclaimed on the twenty-ninth ultimo, as the law of the land; and being before the House of Representatives, their proceedings there-

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* Chargé des Affaires from the United States to the Court of Great Britain.

on must soon appear. The conjecture is that an attempt, how successful I am unable to inform you, will be made to censure it in several points, and for being disadvantageous to these United States on the whole; but that they will make provision for carrying it into effect. The debates relative to this treaty will be, I presume, animated; and if heats are occasioned in the course of the session, they will proceed from this cause. But as it is not my intention to anticipate the debates, or the votes, I shall say nothing farther relating to the subject.

That a great change has been wrought in the public mind, with respect to this treaty, within the last two months, is apparent to every one. But in the body politic, as in the body natural, where one of its members is disordered, (I confine it to members, because I do not believe that the whole mass has been at all attainted,) it requires some time to effect a perfect cure; especially, while there remains a morbid tumor, always working, and difficult to eradicate.

If the people of this country have not abundant cause to rejoice at the happiness they enjoy, I know of no country that has. We have settled all our disputes, and are at peace with all nations. We supply their wants with our superfluities, and are well paid for doing so. The earth generally for years past has yielded its fruits bountifully. No city, town, village, or even farm, but what exhibits evidences of increasing wealth and prosperity; while taxes are hardly known, but in name. Yet by the second-sight, extraordinary foresight, or some other sight, attainable by a few only, evils afar off are discovered by these few, alarming to themselves, and, as far as they are able to render them so, disquieting to others. With affectionate regard, I am, &c.

GEORGE WASHINGTON.

TO WALTER BOYD, LONDON.

London, June 4th, 1796.

Sir,

The Chevalier de Graave, who is now with me, mentions that the Duke of Orleans had for some time past subsisted on advances made to him by Mr Walkiers, that he is, in consequence of this gentleman's late misfortune, deprived of that resource, and in debt for the amount already received.

My respectful attachment to the Dutchess, and the high sense I entertain of his personal worth, prompt me to step forward on this occasion; but I had made such previous disposition of my funds, as to render any present advance inconvenient, and the more so from having obliged one or two other friends in that way; but if you will give a credit to the amount of a thousand or fifteen hundred pounds for his use, and he should not be able, as we must all wish he may, to repay you, I hereby pledge myself to that effect. Should this proposition be favored with your consent, it might be well to write such a letter of credit to our friend Parish, with whom I will converse on the subject, as I expect to see him in a few days.

Should you have any commands in that quarter, I hope it is unnecessary to assure you, that I shall have pleasure in executing them. I am, &c.

GOUVERNEUR MORRIS.

TO GEORGE WASHINGTON.

London, June 5th, 1796.

My Dear Sir,

It is now some time since I received your kind letter of the fourth of March, accompanying a copy of that which you did me the honor to write on the twenty-second of December. The original of this last has never yet reached my hands.

In regard to that, to which it is principally a reply, I must

give you a clue, which, for sundry reasons, I could not send in due season. It was written to bear the inspection of Lord Grenville. I fully expected to have made my reply to those letters in person, but I am suddenly called on by some indispensable circumstances to take a journey into Switzerland, and my sense of propriety induces me to make the long and inconvenient circuit of Hamburg, in preference to the short cut through France. There is a clause in your letter of the twenty-second of December, which begins thus. 'To this catalogue may be added, &c. as also.'—Now if the parties there alluded to be not speedily removed, it will be *only* because the means of providing for them do not easily present themselves, and they cannot with propriety be turned adrift. I have recommended *Englishmen* as the most fitting characters. I cannot write fully about this, nor indeed anything else, having hardly a moment to myself, and not knowing how this letter is to go.

I send herewith one to the Secretary of State, which I leave open, and pray you, my dear Sir, to cast your eye over it. Then all will be put right, if it be not so already.

I must not close this letter, however short, without the tedious repetition, how important I conceive it to be, that you should continue in office. Would you require a very strong reason indeed? You shall have it from the last four months of our history, and I will freely consent to your retirement, when you can designate a successor, who will *truly* hold the sentiments, and pursue the conduct, mentioned in yours of December. But even then, you ought to consider, that it is not given to every man to bend the bow of Ulysses, whatever may be his wishes or intentions. And you well know, that weight of character is, in arduous circumstances, quite as useful as strength of mind. God grant you long life and good health; the rest you will take care of. Farewell, I am ever yours,

GOUVERNEUR MORRIS.

TO LORD GRENVILLE, LONDON.

Berlin, August 5th, 1796.

My Lord,

This letter will accompany the copy of what I had the honor of writing to your Lordship on the 28th of last month. They tremble here at the knout, so that they could persuade themselves the Autocratrice would live ten years, her wishes would be their law. The success of the French excites apprehension, and if vigorous councils prevailed, you would probably hear of an army in Saxony under Moellendorff, as the prelude to an offer of mediation, without consulting any of the belligerent powers.

As far as I can judge, they have hitherto sought for little things by little means, but now wait the proposals, which may be made to them. Whatever these may be, the adherence of Russia will greatly facilitate the adoption of them. They try to persuade themselves, that France, from internal division, the defect of finance, or pure good will, may leave them unmolested. It has been suggested to them, that if she keeps possession of Flanders, gives up her Colonies, and preserves a military marine, she will fear nothing from Britain, who can never afterwards be considered as a weight against her in the general scale of Europe. It would seem, that this idea had not before presented itself, for it excited serious reflection.

On their hope of quiet, either from the internal quarrels, or external good will of France, it has been observed, that the former would, as in ancient Rome, become the constant motive to foreign war; and that France, like Rome, grown the enemy of all nations, especially those under kingly government, would grant to this, as to any other monarch, the blessings of her friendship, till the moment marked for his destruc tion.

On the finances a great deal has been said, which may however be compressed into the maxim, that a country may have much iron, though it should have little gold; wherefore, the

French, by imitating the institutions of old Frederick, may, from their great population, maintain a numerous army, even supposing the climate and soil to be as ungracious as those of Brandenburg. In effect, my Lord, I have no doubt but that France, whether she fall under the dominion of a usurper, the natural termination to her present state, or whether she form herself into some tolerable shape of a Republic, may become dangerous to the liberty of all Europe. Should military despotism take place, that cheap, simple, and severe government will find abundant resources in the soil, climate, and industry of so fine a country. If, contrary to all expectation, a vast and outrageous democracy should prolong its existence, the defence of each citadel may be confided to its inhabitants, and, by the aid of customs and excise, a sufficient revenue may be collected to maintain an offensive army of at least one hundred and fifty thousand men. The appetite for contributions must grow by what it feeds on, and the seducing illusions of equality will enfeeble, if not destroy, the resistance of other governments; especially of this, whose people seem anxious for the opportunity of revolt.

This has been represented to the Ministers here, and moreover that France, having no lever but Poland to move the north, a re-establishment of that country must become a leading object of her policy. That the possession of Italy, (which, when covered by her arms against the inroads of Austria, is in its natural state,) and the derangement of the Emperor's affairs, will leave the new Republic full room to turn her arms northward. In this case, her ally, the Turk, would gladly contribute some purses, and make a powerful diversion, not to mention that one harsh condition dictated to the Emperor may be the surrender of Galicia, with the breach of his engagements to Russia and England. That this last, should France be able to effect a change in the administration, (a thing which seems to be concerted with your opposition,) might join in wishes, if not in act, to wrest the dismembered parts of Poland from the present possessors, and unite them under some practical government.

These, and other such considerations, have excited here a desire to put matters on a better footing; but in weak minds, vague hope and childish apprehension fill up the space allotted to the firm resolves of manly decision, so that before they can be propelled to action, some greater counter fear must be excited, and some danger more immediate must threaten. A word from Russia will have great weight. It has been said to me that, however desirable a certain arrangement may be, France would not probably consent to give up her conquests, especially Flanders. I thereupon endeavored to show, first, that she might be forced into it by a due train of political measures, without firing a shot; and, secondly, that if a recurrence to force should become necessary, its effect would be prompt and efficacious, because negotiations having been drawn into length during an armistice, the mediator would be master of the moment and the means of impressive hostility; and because the disorder of the French finance would then be most sensible, when, the resource of contributions cut off, they should be obliged to support their armies in procrastinated positions far from their frontier. I cannot say absolutely, that it is in your power to decide this Cabinet, but I believe so. The want of money has been mentioned, and thereupon a mode of getting it *à la Française* was pointed out. Moreover, they have been led to suppose, that you also would soon be distressed in your finances, but it has been observed to them, that circumstances may permit you to diminish your expenses, and of course leave you in a situation to extend to your allies such pecuniary aid, as shall be indispensable.

I ought to have said somewhere, and will now say it here, that the character of this people, formed by a succession of rapacious Princes, is turned towards usurpation. The war with France was disagreeable to them, because it melted down the accumulations of old Frederick, and did not present an immediate accession of territory. But the war with, or rather against Poland, was not unpopular, because the moral principles of a Prussian go to the possession of whatever he can

acquire. And so little is he the slave of what he calls vulgar prejudice, that, give him opportunity and means, and he will spare you the trouble of finding a pretext. This liberality of sentiment greatly facilitates negotiation, for it is not necessary to clothe propositions in honest and decent forms.

It is not impossible but the imperial troops may be at length victorious, and in such case the French army, if hotly pursued, must be destroyed; such at least is the opinion, which common sense dictates, and which in a conversation with old Moellendorff, he strongly confirmed. He went so far as to say, that sixty thousand men well commanded could not fail to force the French back over the Rhine. With the weight of such an authority, I also am disposed to believe the same thing; but I do not believe in the *well commanded*, and, indeed, had made up my mind to a part of what has happened, when Prince Charles was appointed to succeed Clairfait. These reiterated misfortunes may perhaps impel the imperial Cabinet to the nomination of an abler chief, with discretionary powers, and certainly the French, so far advanced without magazines, are in a critical condition. The fortune of war, therefore, may restore the affairs of the Allies, but how far it may be prudent to trust that capricious goddess is not for me to decide.

I have said that this Court would accomplish their object, unless their power could be reduced to a second order. I was impressed with the practicability of such a plan in the spring of 1795, and since I have been here my belief amounts almost to conviction; but the most favorable moment has gone by, and the difficulties are increased. Little can be expected from Austria, though everything may be hoped from the feebleness of the Prussian King and Cabinet. Is it to be attempted? On that question I may observe, that you might count on the cordial aid of your imperial allies, who will not so readily concur to aggrandize the House of Brandenburg, and may oppose the exchanges mentioned in my last letter. These, however, are, to the best of my judgment, most advisable for England, because they furhish the probable means of wresting the Low

Countries from France, and securing the independence of Holland, so far at least as Holland can be independent. The plan I contemplated for reducing Prussia was, to erect a new but hereditary kingdom of Poland, with a constitution as free and energetic as the moral state of the people may admit. Such kingdom to consist of the country ceded by the last partition to Austria, and the whole of the Prussian acquisitions, together with the Prussias, Silesia, a corner of Lower Lusatia, the New Marche, and that part of Pomerania lying east of the Oder. I have no question, but that two hundred thousand Austrian and Russian troops would speedily have effected this, with the aid of Kosciuszko and his Poles.

With this, as with every other arrangement for permanent peace, I couple the possession of Bavaria by Austria. But under such a hypothesis, there would result a solecism in British politics. While, as Englishmen, you must seek and seize the means of reducing French power and influence, you must, as Germans, wish for their increase, in order to secure your Hanover against the imperial pretensions. Hence an oscillation of measures dependent on personal character. It is sufficient to present this idea; improper to pursue it. The arrangement suggested for Flanders would obviate such expensive inconsistencies, and present one clear, distinct object. Indifferent to the fate of the German Empire, you might choose your allies according to your immediate interest. The aggrandizement of the two empires, on the side of Italy and Constantinople, would be useful to you, by forming two naval powers in the Mediterranean, to balance your constant enemies, France and Spain, for Spain seems irrecoverably attached to her neighbor, by the relation of weakness to force.

Whether your population would resist, through a long struggle, the weight of a people spread out from the Alps and the Rhine to the Pillars of Hercules, is a question I will not presume to decide. Experience has taught me a sincere faith in the fallacy of human opinions, and more especially of my own. I am, my Lord, your obedient servant,

GOUVERNEUR MORRIS.

TO THE COUNTESS OF SUTHERLAND.

Dresden, August 22d, 1796.

My Dear Lady Sutherland,

I received your letter of the first, as I was stepping into my carriage at Berlin, and have not had time to write before. I do it now by deferring till tomorrow my visit to the picture gallery. I always preferred originals. I am very much obliged to you for everything you say about yourself and your Lord, but you have forgotten the children.

My plans have been greatly deranged, by the progress of the French armies; for I intended going into Switzerland, thence to Vienna, and finally to Naples, but I cannot get either into Switzerland or out of it, without crossing the line of march of the armies, and I had rather be in a battle. But what is worse, I should not, I believe, be able to get my horses through at all, so I shall go on to Vienna direct, unless they stop me again upon that tack.

Everything in this quarter of the world is *à la débandade*, and, unless the Empress of Russia kindly takes the thing in hand, I see not what is to come of it. Intrigue and faction supply, as I am told, the place of that golden chain, which was let down from the throne of Jupiter to bind in orderly connexion the different parts of creation. And thus the affairs of imperial Jove are sadly out of order. The Chevalier de Boufflers, however, has set everything right by a wretched pun. '*Les affaires de l'empire doivent être excellentes, car elles s'empirent toujours.*'

I will fold up in this a press copy of my last, because the original may have been drowned. Yesterday I dined with the Elector, and the conversation turned on your ladyship. You might not easily guess why, so I will tell you that a person sat opposite to me, who had travelled with you in Italy, known you in Paris, and who introduced himself by talking of you to me, and that, because he had heard me mention to Monsieur Q.

that I had seen him in your house. You remember this Monsieur Q. who seemed so well pleased with himself while in transit at Paris, and who used to play at hazard. He has here *un grand état*, and, if one may judge from appearances, verily believes himself to be *très spirituel et fort aimable*. In which, by the bye, he has the misfortune to be of a different opinion from his acquaintance. Well, your fellow traveller spoke of you in such high terms, that I began to feel an attachment to him, and the Elector was induced to inquire after you, &c. &c. We talked of you in Berlin, because Lord Elgin is, you know, *quoad* a part of his regiment, your *protégé*.

Adieu, dear Lady, remember me to your Lord, and believe me ever yours,

GOUVERNEUR MORRIS.

LORD GRENVILLE TO GOUVERNEUR MORRIS.

Downing Street, August 23d, 1796.

Dear Sir,

I am very much obliged to you for the interesting letters I have received from you since you left this country. You will have seen Mr Hammond at Berlin, and will have judged from his mission, that there is a disposition here to make all that can be made of the situation and views of that Court, which, if it were capable of judging accurately of its real interests, could see that a field is now open to Prussia, such as it would have been madness to have hoped for a few months ago. But the use to be made of it is, by an enlarged and comprehensive scale of action, looking to permanent objects and general interests, and not by the ambition of little acquisitions or temporary advantages.

If France be suffered to dictate a peace to Europe, the government of Prussia cannot last; its more recent acquisitions will be the first sacrifices, but the whole must fall. In our mouths this truth will pass for the language of present and

pressing interest, from you it may be received as the judgment of an informed and accurate observer.

Believe me ever with sincere regard, dear Sir, your most faithful and obedient humble servant,

GRENVILLE.

TO JOHN PARISH, HAMBURG.

Vienna, September 23d, 1796.

My Dear Sir,

I have received yours of the seventh, with the enclosures, and pray you will accept my thanks for your kind attentions. Do not, because my conjectures are realized, consider me as a prophet, for the age of those gentlemen has long since elapsed; and, besides, I have always let you into my secret by giving you my reasons. But if ever I should set up for a wise man, my responses will be oracular. To say little, and that with a grave face, is the true way of getting a character for wisdom at a small expense of understanding, and there are among my acquaintance many, who stand high, for that only reason, just as you have seen folks pass for rich, because they spend nothing, and whose heirs are sadly disappointed.

I think Prince Charles and General Wurmser are both too fond of fighting. It is not impossible, that the former should be beaten, and yet the event be the same almost as if he were victorious; for Hercules himself must at last give up, if he has no means of subsistence. I need not mention to you the news, if indeed I had any to mention, because you will learn them sooner than we can. Moreau is retreating faster than I wished, and, between you and me, it was an error of Prince Charles to oppose anything to him in front, after the affair of the twenty-fourth of August. He should then have ordered all the troops he left behind him to follow on, so as to lie on Moreau's left flank, leaving the way open to Vienna; because, if he advanced, his rear would be exposed, his supplies be cut

off, and his destruction be of course unavoidable. If, on the other hand, he retired, which he must have done, General Nauendorf would, by keeping on a line with him, have edged him up into the Black Forest; so that his retreat across the Rhine would have become difficult, and, to effect it without loss, almost impracticable; because the want of provisions would have left him no time to manœuvre. Moreover, the junction of the Austrian troops would have always been easily effected.

I do not, however, impute this error to the judgment of Prince Charles, or of his council, but to the prejudices, feelings, and circumstances of the moment; for if Moreau had advanced towards Vienna, the panic, already great, would have been terrible, perhaps dangerous. But now, if Moreau has resources, he may, for the moment, play a great game, by marching rapidly to Wurtzburg, and opening a communication by Carlstadt and Fulda with the remains of Jourdan's army, and the troops coming on from Flanders and Holland. In this case, Prince Charles would be in a dangerous situation from the error above mentioned, and might be obliged to risk a battle under great disadvantages, whereas in the other case his game was sure, because his force would have been collected, with the resources of Bohemia behind him, the easy communication of the Maine in his possession, and the junction of his enemies impossible. As it is, I am in hopes that he will, with the greater part of his troops, join near Stutgard the army of Nauendorf. Should you hear of this, you may conclude that the campaign in Germany will turn out the worst of the war for France.

Moreover, this hot weather may alone settle the affairs of Italy, because the want of care and cleanliness among the French troops must expose them much to the worst effects of that climate. Wurmser, as you will have heard, has pushed on to the left, in order to open himself a way to Mantua, and thus put himself between the army of the French in Tyrol and that in Italy. If he succeeds, the former will find it

difficult to get out of Tyrol or to live in it. I cannot prevail on myself to believe, that the Prince of the Peace will plunge Spain into a war. It would be ruinous to her.

Make my compliments to Mr Ross. Tell him I thought he was too old to wonder at the blaze of a rocket, and the wild march of the French into Germany was little else. You see my paper bids me say adieu.

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Vienna, October 4th, 1796.

My Dear Sir,

I wrote to you, on the 23d of last month, a pretty long letter on the existing circumstances. Except the unlucky mistake of Kehl, and its consequences, everything has hitherto gone well; and I find that, while I was writing that letter, Prince Charles was about to fall back towards the Maine. Our latest advices from him are of the twenty-fifth, but I have no doubt that a great part of his army is pushing by forced marches up the Rhine. I think Moreau will have no other means of retreating but by Huningus, and I trust that Petrarsch will have detached a forlorn hope to intercept that communication.

It is a week since we have any account of Moreau's movements; but the Austrians harass him in his retreat, and thereby impede the rapidity of his progress. The fate of the war is in a great degree suspended on that of his army. If it be made prisoner, not only the French in Italy will be completely ruined, but they must, if pushed, abandon the Low Countries, for they cannot now, as formerly, create soldiers, nor could they, if created, find subsistence for them. Moreover, the cloud of disaster would so darken their prospects, as to intimidate them in every step either of attack or defence. Thus you see, my good friend, that this is a most critical mo-

ment. You will know the event as soon or sooner than I do; but in all events you may count on my predictions of the second of last month from Dresden. Adieu. My affectionate compliments to all friends at Neuenstedten, and believe me truly yours,

GOUVERNEUR MORRIS.

TO LORD GRENVILLE.

Vienna, October 5th, 1796.

My Lord,

I took the liberty of troubling your Lordship frequently from Berlin. Appearances have mended much since that period, and I can venture now to offer my congratulation on the success of the campaign. Prince Charles has done well, and if those opposed to Moreau act with as much judgment and vigor, he will not be able so escape. At least he must suffer much loss. The imperial armies may yet repossess themselves of the Low Countries this autumn, and, being masters in the field, may even take by blockade some of the French fortresses, which are in general, I believe, unprovided with magazines.

It is not, however, my object, to consider these circumstances or conjectures probable events, but to communicate an observation I have frequently had occasion to make. Your enemies spread everywhere the idea, that you oppose a pacification with a view to aggrandize yourselves in the two Indies, regardless of the blood lavished on the continent of Europe. This, as you will easily suppose, excites ill will; but yet, from the nature of your government, you are led to insist in Parliament on the advantages gained by the British nation, and to show that these result from diversions made by its allies. Such arguments are turned against you abroad, and become the excuse of those who have abandoned you. They are made use of here to render the war unpopular, and with such success, that if public opinion were of much weight, the Court would have been greatly embarrassed.

In the seven years' war English enthusiasm was raised by the danger of the Protestant interest, and of its *immaculate* hero, the King of Prussia. At an earlier period, the beautiful, persecuted, magnanimous Maria Theresa was the object of adoration. But in these cold calculating days it is not easy to stimulate exertion at home, without exciting envy abroad. You best can judge, my Lord, whether it be prudent, after insisting that the war in its prosecution, as in its origin, has been defensive, to declare that the *principal object of it now is to protect the German Empire and the Low Countries;* that the dearest interests of Britain are eventually connected with that defence and protection; that, far from ambitious views, you look only to the security of yourselves, *as the result of that security you seek for others;* that a faction, aided by French armies, having turned against you the resources of Holland, you had been compelled *for the defence of your oriental possessions* to seize those posts, from whence they would otherwise have been annoyed; that in like manner you had been obliged to attack the French Islands, for the purpose of saving your own, *not merely from capture, but from utter devastation.* Such declaraions would have a good effect throughout Germany, already undeceived with respect to the French possessions.

Moreover, should you be embroiled with Spain, it would strengthen you in the north to declare, after dwelling on the unprovoked aggression of his Catholic Majesty, that it justifies you in demanding, as a condition of peace, that he shall open his American dominions to the commerce of all, *who now are or hereafter may be joined with you in the war against him.* This kind of crusade will not indeed be so wonderful, as that which was produced by the preaching of Peter the Hermit, but it may answer better purposes.

I am, &c.

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Vienna, November 2d, 1796.

My Dear Sir,

Yours of the twelfth of October came to hand last post day, but too late for me to reply. It appears to me, that Moreau, in the actions near Friburg, displayed much generalship. Once arrived there, his retreat was secure, and the only remaining question was, as to the quantum of damage to be sustained. I presume that, while the Archduke was with great gallantry and good conduct attacking him in front, the baggage was moving off in his rear. If the misfortune of Kehl had not happened, the Archduke might have been in force at Friburg, several days before Moreau, whose retreat would then have been utterly impracticable.

The total loss of this army would have obliged the French to collect all their remaining force within their own frontier, and then the question of peace or war would have turned upon points of such trifling importance, that the Directory must have ceded them; in which case England would have made peace, in other words a general peace would have taken place on the best terms. As it is, the Directory, with a view to separate the interests of the Empire from those of its chief, will probably, after the surrender of all conquests in Germany, retain only the Low Countries. This, if adhered to, may lead to another campaign, in which new parties will probably be engaged, and the question of peace become thereby more complicated. What infinite consequences result in the moral world from trifling circumstances! The destruction of a few fathoms of the bridge, between Strasburg and Kehl, would have changed in a great measure the fortunes of all Europe. Such at least is the probability. Adieu.

GOUVERNEUR MORRIS.

TO LORD GRENVILLE.

Vienna, December 21st, 1796.

Before I quit this city, my Lord, I take the opportunity of throwing together, and probably without method, some ideas which have offered, as well as some information received. I am assured, that a principal lure for bringing Spain into the war against you, was the promise to put a second son of Spain on the throne of France. This consists well with various indications, which have fallen under my notice, so that I cannot withhold my belief; but you have probably a perfect knowledge of the business, as far as it has gone. I now believe it was not unknown at Berlin when I was there, for I observed some little incidents, then unaccountable, and which stand explained by that idea. I conclude, also, that if the Emperor's arms do not prevail in Italy, Naples will throw herself into the scale against you, and drag the Pope along with her, in which case I shall expect that the French will make use of the resources in Italy for carrying the war, aided by the Turks, into Hungary and the Ukraine.

On the other hand, if the Emperor be successful, he will have an enormous superiority of force there, and it must be his own fault if he does not find resources. He will come in by the *droit du plus fort*, as successor to the French, who now hold by that same right, and may declare that, as this war is evidently carried on by his enemy for the destruction of property, he expects and insists, that the proprietors pay for the protection afforded them, and consider the petty sovereigns of that country, as entitled only to an expectancy in their dominions, to be realized when the war shall be at an end. Naples, which has all along played a double game, is too far off for him; but your fleet may show good reasons to the Neapolitan administration, why, in preserving the peace concluded with France, they should pay a monthly sum to aid the Emperor in defraying the expenses of the war. Our

Holy Father, the Pope, is desirous to connect himself with Austria, rather than with France, because this last has brought the question off from political to personal interests; and in so doing has acted unwisely.

If you are superior in the Mediterranean, and your ally in Italy, will it not be worth while to transport thirty thousand Austrians to Barcelona, and dictate a peace there to Spain? In this case the Pope can be useful, and I have reason to believe, that he would come into any measures you would wish. I have mentioned the thing to the Baron de Thugut, who thought it very good for you, but did not see how this country, which has no marine, could derive any benefit from commercial privileges in the ports of Spanish America. I told him that such privileges, opening a trade from Trieste and Fiume to the new world, would invigorate their pecuniary means, and eventually raise for them some marine. That you could not but see with pleasure a new maritime power in the Mediterranean, which would check there the influence of your natural enemies. That, in like manner, you could not but favor a commerce, whose operation must go to diminish that of France, without affecting your own by any possibility. And as you would be sometimes obliged to call on them for aid at land, you would be more ready to give them help at sea, and *vice versa;* which mutual state of dependence would strengthen the bands of friendship between you.

He did not seem to think there was any cause of apprehension from the indolent Turk; and the rather, as Prussia is equally interested with Austria and Russia, in preserving the peace of Poland. But here he is, I believe, mistaken. It would suit Prussia perfectly well to erect again a kingdom of Poland, in that part of it which is occupied by the imperial courts, and I know it is in the system of Prussian politics to play off, in case of necessity, a Polish insurrection against Russia.

The death of the Empress changes, in my opinion, the state of affairs very much. I do not believe you will have any

assistance from the new Emperor, because the population and finances of his country really require repose, because it is not his interest to strengthen so powerful a neighbor as Austria, because he is equally interested with France in preserving that anarchy, which goes by the name of the German Empire, and, above all, because in his quality of successor to the throne, he is naturally disposed to adopt measures different from those of his predecessor. What are the reasons he has to stimulate him beyond the usual measure of new Princes, and what evidences he has given of their influence over him, it is needless to mention. You will have seen, my Lord, how he is straining at popularity; a conduct which in my opinion savors more of puerile vanity, than of sound discretion. It is to *act*, not to *be* the monarch, and he suits better the theatre than the throne.

I stated to Monsieur de Thugut my conviction, that he would have no aid from Russia, without detailing my reasons, and on that ground suggested the engaging Russia in a manner I have formerly mentioned to your Lordship. He considered it as impossible to bind that Court by any engagements. This did not surprise me, but I replied, that, admitting their infidelity, it would only follow that the consideration of their services should be eventual, and depend on the success of their exertions.

He was startled at the idea of giving strength to Prussia, but I observed that if he gained Bavaria, it would be more than a compensation for anything which Prussia could get. That, moreover, the case supposing you in a position to influence the decisions of Holland, it would result that the most abundant resources in men, money, and other means of war would be thus united. That Prussia could not carry on two campaigns, if the war were carried into their country. That geographical reasons, the only ones to be relied on for any considerable period, having placed Russia in direct enmity with Prussia, the aggrandizement of the latter would be the best method of obtaining the cordial assistance of the other. That on a

peace, France, if reduced to her ancient limits, would be for a long time *hors du combat*, in which case nothing could prevent Austria and Russia from crushing Prussia, which must ever be considered as the natural ally of France.

He asked me whether I thought the English prejudice against standing armies might not make them unwilling to hold the Low Countries. To this I replied, that in my opinion the present situation of England was such, that the danger to liberty did not arise from the too great power of the executive magistrate, but the contrary; and that I supposed the good sense of the nation would turn with pleasure to the contemplation of a force, which might, in case of necessity, be called in to protect property against those who wish to destroy it, and who, in that view, are endeavoring under plausible pretences to overturn the government. I think I might have added, my Lord, that this would be a safer resource, than such interior regulations as circumstances may otherwise require; but I did not choose then, nor do I wish now, to tread further on this tender ground.

I mentioned to M. de Thugut the situation of M. de Lafayette, and found that they wished they never had taken him, and would now be glad to get rid of him, but see no way in which it can be done conveniently. I proposed his liberation in a moment of rejoicing for any good news, but this did not seem to take. He told me, however, that if England would ask for him, they would readily give him up, and the King might, if he pleased, turn him loose in London. Now, my Lord, I wish you to consider, that when peace takes place he will of course be liberated and go to America. He will have more or less influence there. I believe he will have a good deal. You may, if you please, send him thither under such a weight of *notorious* obligation, that he shall be incapable of disserving you. And, if you take him now, there are two supposable cases in which, if he were twenty times a Frenchman, he would be inclined to serve you; viz. a restoration of the titular monarch, or the full establishment of the

present rulers of his country. In all cases you would do an act agreeable to America, which would cost you nothing; and I am sure you are not to learn, that such things propitiate more the minds of men than more solid services, which, however they may promote the interests, seldom fail to wound the pride, of the obliged party.

Should you incline to this measure, the least hint would induce the American Minister to request it, on the part of the United States; unless, (which I should deem the better mode) you did it of your own motive. The effect would then be great, even in France; for though he is now of no importance there, that nation is highly sensible to every act of nobleness and generosity. I close this letter. Adieu.

GOUVERNEUR MORRIS.

TO SIR MORTON EDEN.

Dresden, January 25th, 1797.

Dear Sir Morton,

I mentioned to you, shortly before my departure from Vienna, a conversation with the Baron de Thugut, in which I showed him a letter received from Madame de Montague, sister of Madame de Lafayette; also, that I had sent to the Baron an open letter for the lady last mentioned. You were so kind as to promise, that you would forward the answer when received.

I have no doubt, that, unless it should in the multiplicity of business have escaped the Baron's recollection to send my letter, it must have been received, and that no one will have presumed to suppress an answer under cover to him, so I count on meeting that answer at Berlin. But having communicated Madame de Montague's letter, it seems proper to show also my answer, for which purpose I take the liberty of troubling you with the enclosed copy, and pray you will, at the same time, present to Monsieur de Thugut my congratu-

lations on the taking of Kehl. Accept them yourself, I entreat you, not only on that event, but also on the ill success of the French armament against Ireland.

My best compliments wait on lady Elizabeth. Remember me to our little Board of Commerce, and believe me truly yours,

GOUVERNEUR MORRIS.

TO LORD GRENVILLE.

Dresden, January 31st, 1797.

I had the honor of writing to your Lordship lately, and although I know not where I may meet with an opportunity of sending this letter, I will communicate a hint on the state of things at Vienna, and first will give a glance at the conduct of the last campaign.

The Austrian Minister was early informed of the danger, which threatened Italy, and warned that should the French make an irruption, Sardinia must accept of such terms as they might dictate. The needful succors were not sent, and we know the consequence. Under the then circumstances, had the passes of Tyrol been occupied, so as to prevent the French from coming into Germany, and a reinforcement of fifty thousand men been sent to the Rhine, it is evident that the Austrians might have penetrated into France; and if their arms had been crowned with the probable success, you would have had peace on your own terms. Instead of that, thirty thousand men were detached from the army of the Rhine, and Germany was overrun.

These things prove, that the Austrian Minister is not equal to the task he has imposed upon himself. I made inquiries about him from persons, who knew him intimately before he was Minister, and am sorry to say, that none of them consider him as a Statesman, but rather as a man, who joins profound

dissimulation to the spirit of intrigue. There is one circumstance in his conduct which is extraordinary. Your Lordship knows that, from a dissipated man of pleasure, he became all at once a sequestered man of business. He accepts of no invitation, and goes nowhere, but dines always at home, generally *tête-à-tête* with a Monsieur Pellin, once the secretary *faiseur* and confidant of Mirabeau; a sly, sensible, profligate fellow. Sir Morton Eden, to whom I remarked on this strange connexion and its dangerous consequences, told me Thugut was so discreet, that Pellin could learn nothing from him. The French Directory have, it is said, perfect information of what passes in the Austrian councils, but that may be mere assertion. So far as my inquiries could extend, there is at Vienna no able man to assist, or, in case of need, to replace the Baron, who is much disliked, and who cannot, or will not, employ some of the few able officers in the imperial service, because they have declared themselves against him.

How far it may be in your Lordship's power to remedy this defect in the Austrian councils, is a question I am incompetent to consider. I am, &c.

GOUVERNEUR MORRIS.

TO THE COUNTESS OF SUTHERLAND.

Altona, May 16th, 1797.

My Dear Lady Sutherland,

It is so long since I had the pleasure of conversing with you, that I would seek the opportunity for novelty's sake, were there no other charms but those of novelty to be found in your society. But as things are, I find these last unnecessary.

You will have seen, that Austria has made peace in the critical minute, when her enemy was in the greatest danger. So Great Britain will save a subsidy, and now, unless they force America into the war, you will stand alone, for I do not

count Portugal for anything. They will only, I presume, furnish some money to France, and shut their ports against you, by way of purchasing a peace, and what is called independence. The state of your finances, also, is far from encouraging, but yet I am convinced that, unless panic-struck, you will get through well.

In effect, your enemy cannot employ against you that force, in which she excels, and she cannot, I think, in some considerable time, attack you on your own element. The return of her armies will not a little perplex her councils, and if she succeeds in disbanding the greater part of them, she will thereby be compelled to listen to the necessities of her own citizens, and the friendly interposition of that power, who must now begin to view her with a jealous eye.

Do send me some good news from Cadiz. Tell me, to an ounce, how much silver you have taken in the Spanish galleons. But, above all, tell me that I still hold a place in your esteem. Such information is a treasure more precious than silver. Remember me to your Lord. I am, &c.

GOUVERNEUR MORRIS.

TO THE DUTCHESS OF CUMBERLAND.

Altona, August 1st, 1797.

I have to thank your Royal Highness for two letters, the last of which Count Bunau was so good as to bring to me in the country on Sunday. I put the bills into the hands of Messrs Parish, and they will do themselves the honor of addressing your Royal Highness on that subject.

I am not surprised to hear that the King of Prussia is very ill, still less should I wonder at an account of his death. The grim monarch had set his seal on him, some months ago, and the impression was to my eye striking. The guardian angel of the French Republic keeps him lingering on this side the

grave. I have no doubt, that you will have peace, and I think you will pay for it more than is necessary; but the conditions are of little importance, now that France holds the great object of a long century's contention—Flanders. She rules now, from the bottom of the Adriatic Gulph, round to the mouth of the Weser, despotically.

Thus Britain is almost isolated from the rest of Europe; and while, like a Colossus, she strides the ocean from the Gulf of Mexico to the Bay of Bengal, she will defend with difficulty her naked bosom against the Gallic spear. But I quit this *quidnuncery* to pay my compliments to Miss L., and assure your Royal Highness of my most respectful attachment.

GOUVERNEUR MORRIS.

TO THE DUTCHESS OF CUMBERLAND, PYRMONT.

Altona, August 18th, 1797.

Yesterday morning I had the honor to receive your Royal Highness's favor of the 12th. Many thanks for the intelligence communicated in your kind letter. There seems to be a knight-errant temper attached to the throne of Sweden. I learn from Leipsic, that the present incumbent has been contemplating the field where the great Gustavus fell, and means to erect a monument there.

His intended marriage has, I see, found its way into the gazettes. The opinion of his Prussian Majesty is not always to be relied on. He is as remarkable for simulation, as any one could wish, and may therefore affect to believe what may answer any present purpose; but I find, that some well informed persons entertain the same opinion, as to the result of the present negotiations. I steadily believe that they will eventuate in peace.

When France shall have no continental enemy, and of course no means of supporting the war by contributions, she

must contract her expenditure, or sink under it. She must, to this effect, reduce her army *greatly*. I do not think a descent in Britain practicable, and, therefore, she can do no harm to her enemy. You will say that her enemy is equally unable to do France any mischief, and you are right; but she can keep her in the present wretched situation, without commerce, without colonies, without manufactures, and consequently without money. Moreover, such a war will not prevent the danger, which the French Government apprehends from peace, and of course they will take peace as the less of two evils. Indeed the continuance of war must, in the ordinary course of things, put the army still more in the hands of their chiefs. Dangerous weapons in doubtful hands.

Do you go directly from Pyrmont to Frankfort, and when? This you will say is an impertinent question? But I trust that your Royal Highness will excuse me for wishing, that I may have the pleasure of meeting with you again, somewhere or other, and I have a sort of half project to go somewhere on the same road.

With perfect esteem, and sincere regard, I have the honor to be, &c.

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Ratisbon, December 4th, 1797.

My Dear Friend,

Yours of the twenty-second of last month has just reached me in this place, where I arrived yesterday. I apprehend, that Möller has been delayed by his carriage, which, in nautical phrase, has so great need of being hove down and repaired, that I should not be surprised to hear, that it had hove down both itself and its master, especially, if, as you say, the roads should have grown worse. It groaned sufficiently before, and he, as you will easily believe, groaned responsive.

I suppose, however, he is with you before this moment. I should like to be with you also, especially as you spend the winter at Neuenstedten ; but I must see this place a little, after which I mean to look at Munich, and then, God willing, I am your man.

I should not be much surprised if the Directory forced us a little into the war, by way of making peace, without compensation for the mischief already done to our trade. Indeed, we live in a time not to be surprised at anything. The world, my dear friend, will be taught by nothing but experience. It is in vain to cite history, or example, to accumulate reasonings, or to lavish argument. Each new generation will see, hear, feel, taste, smell, and suffer for itself. For a hundred thousand years to come, the same thing will happen over and over again. Ignorance will again and again presume, and its presumption will be more and more chastised. Yet still shall it console itself with the sottish reflection of, '*who would have thought it?*' I am led into this digression, by the recollection of some past circumstances, and the comparing of them with recent events, and am yours, &c.

GOUVERNEUR MORRIS.

TO THE PRINCESS DE LA TOUR ET TAXIS, AT MUNICH.

Munich, January 5th, 1798.

I have been this day, lovely Princess, with your friend Count Rumford to see his workhouse. I was indeed highly gratified. The countenances of those poor creatures beamed with gratitude and affection. Cheerfulness adorned the brow of industry, and I thought I could see those hearts, once pinched by affliction, now swelling with all the kindlier emotions, and throbbing high in the presence of a friend and a father.

There were amongst them two or three women, who seemed to be of those, whom our sex treat with unjust rigor, and

yours is taught to look on with contempt. Yet, how many of them have been victims of those feelings, which ennoble our being! One of these seemed to me as if rising from the sad state, where penury and remorse torment their slave. She had the remains of a fine form, and a countenance open and expressive. The traits of effrontery were not quite eradicated by the modest confidence of self-approbation, but they were wearing fast away. Neither had nature quite lost her empire, for the tints, which love in retiring to the heart had shed over her countenance, were slightly tinged with desire. I thought I could in a single look read half her history. Nature had intended her for the parent of a numerous offspring, and poured into her bosom all the sensibilities, which accelerate and adorn maternity. A train of dark incidents had precipitated her along the steep of ruin, and man, who should have stretched out a helping hand to succor and to save, had pushed her forward. In such a situation, how natural is indignation? How unavoidable resentment? So injured and insulted, is not revenge almost justifiable?

Yet, the first impressions of tenderness remain, and mingle their balm in the bitterest draught, which misery is compelled to swallow. In the conflict of contending passions, she is driven by want to the place of refuge, where one man appears in the character of a savior. As she recovers to a sense of dignity long lost, she feels more than gratitude towards him, who has given her more than food and raiment. He has reconciled her with herself. Gratitude leads on fair affection, and in her train the associate ideas of early life. The moisture, which suffuses her glistening eye, is not all consecrated to sorrow, nor is the repentant sigh quite void of regret. I would have searched farther into her history, but I feared to risk another look of inquiry, lest it should be construed into reproach, or have an air of superiority. Either would, by humiliating her, have taken away a little of the satisfaction she is beginning to feel. If, however, I am but half right in my conjecture, as to this one object, how great the satisfaction, which a good mind

must feel from the consciousness of having healed a heart so bruised.

A thousand pardons, dear Princess, for this rhapsody. I meant, in sitting down, only to thank you for thinking of me, when you last wrote to Count Rumford. He presented your compliments, and told me your stay was prolonged.

I learn this evening with much concern, that the Prince, your father-in-law, is worse, but I hope this is a mistake, and I trust in consequence, that on my return to Ratisbon, for which place I intend to set off on Monday morning, I shall have the very great pleasure of seeing you. I hope the present year, itself happy, will be to you the harbinger of many more and happier. God bless you. Remember me to Madame de Lenthe, and believe me truly yours,

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Francfort, April 3d, 1798.

My Dear Friend,

It is a very long time since I had the pleasure of writing to you. I had always the hope of communicating some intelligence worthy of your attention, and expected that I might at least speak decisively, as to my own motions, should I remain ignorant of public affairs. You know my principal object in coming hither. I now remain, waiting to see if it can be accomplished, and hope that I may leave this before long.

The situation, in which the different powers of Europe find themselves, is curious. The King of Prussia, on his accession, announced to the Emperor his wish to be on a footing of cordiality, and to the French his determination to comply with existing treaties. Neither was much flattered by the message. Since that period, he has signified to the Emperor his desire, by joint representations, to set a boundary to the French demands. The answer of the Imperial Cabinet

was civil, highly gratified by his Majesty's confidential overtures, and penetrated with the deepest regret, that his imperial Majesty had been under the necessity of concluding treaties, which rendered it impracticable in the present moment to comply with the wishes of his royal brother.

The apprehension, lest an invasion should be made in the north of Germany, has brought about an alliance between the Kings of Prussia and Denmark with the Electors of Saxony and Hanover. The accession of Russia and Sweden is desired, and next month the Kings of Prussia and Sweden, and the Emperor of Russia, are to have a meeting at Konigsberg.

France, if ever she attempt the invasion of England, will not stir till the peace shall have been concluded at Rastadt, lest the continental powers should profit by the absence of her armies. There is a party, and I am told it is the strongest among those in power at Paris, who desire to continue the war on the continent. These push the operations of Italy, and menace Naples. The Cabinet of Vienna certainly did not expect what has happened to Rome, still less that Naples would be placed in its present situation. And the Empress, who is far from being an insignificant personage at Vienna, will certainly endeavor to save her father. The Austrian force in that quarter will soon amount to at least one hundred thousand men. The object was to fortify the frontier, and then leave sufficient garrisons. Circumstances may give a different direction to that force, and, in the mean time, a cordon of between thirty and forty thousand Austrians is drawing round Switzerland, which, awed into submission, is far from being pleased with what has lately happened.

You will see from all this, that the new peace hangs by a very slender thread; and, should the war break out afresh, it must, humanly speaking, end with the complete ruin of France. The troops of the Republic are certainly short of three hundred thousand men; indeed my estimate of two hundred and fifty thousand is considered as high. There are

twenty-three divisions, which, complete, should contain each twelve thousand men, but are said to be much under ten thousand. They talk of having one hundred thousand men in Italy, but the army there does not exceed five divisions, and that in Holland does not exceed two divisions. If then, the two countries should occupy seventy thousand men, and thirty thousand be employed in Switzerland and along the Rhine, there will remain at the outside from one hundred and fifty thousand, to two hundred thousand, for the army of England and defence of the coasts.

Sure I am, that the northern alliance can throw one hundred thousand men upon the Lower Rhine, before the Republic can put herself in condition to face them. It is nothing but terror, which prevents a general alliance *now*, and that terror must necessarily occasion one very soon. Adieu. I am ever and truly yours,

GOUVERNEUR MORRIS.

TO M. NECKER, BARON COPET.

Translation.

Francfort, May 22d, 1798.

Sir,

I have just received your favor of the second instant, and also the copy which you did me the honor to forward to this place. I will not fail to pay attention to your orders. I intend to fix myself in America, on a little family estate, called Morrisania, situated near the city of New York. From that retreat I shall behold, with as much tranquillity as an honest man may, the disorders of Europe.

The imbecility of Courts, the effeminacy and ignorance of the great proprietors, and the general corruption of manners, give every advantage to those, who prosecute the war of the poor against the rich. In this condition things are at present. Happy they, whose forecast has enabled them to preserve

something from the vast shipwreck, of which, as yet, we behold only the first scenes. You do me the honor, Sir, to recall one of my predictions, when I had the pleasure of paying my respects to you in the autumn of 1794. It is not difficult to prophesy in such a case. If we are to judge of the conduct of a man in a given situation, it would be hazardous to pronounce upon it, since the character of each individual is governed by the peculiarity of his mind, and the impression made upon him by the circumstances in which he is placed. But when the mass is concerned, we have but to observe the instinct of the animal, and we shall not be deceived.

England will resist, I believe, with success, but a peace, which leaves the Low Countries to France, will be fatal to her rival. If the point, then, had been only the ruin of England, peace would have been made some months since. But circumstances are more powerful than men, who, although they appear to direct them, are in fact always under their control. I commend myself to your remembrance. Your letters, addressed under cover to Messieurs Parish and Company, at Hamburg, will always find me, and will ever give me the greatest pleasure. I am, &c.

GOUVERNEUR MORRIS.

TO M. NECKER.

Translation.

Altona, September 17th, 1798.

Sir,

Your letter of the thirty-first of August has just arrived. I think with you, that, notwithstanding the confidence I have in the solidity of our friend, everything should be conducted according to legal form, since it is impossible for us to look into the future. In morals, as in politics, we can calculate only on probabilities, and the most clear sighted are sometimes deceived.

I observe with pleasure, that the French government have opened their eyes with regard to the United States. If they sincerely desire peace, they no doubt will have it. For myself, I would have it at any price, except the loss of honor. You will judge better than I can, as to the result of the negotiations, after considering a fact, which cannot have escaped your penetration. If France decides only to recognize in our country the government of the United States, all that remains will be easily arranged. But if she persists in her disposition to overthrow our government, in order to gratify the ambition of intriguing persons among us, it will be impossible to make peace. Those persons will be either banished or hung, and the United States will form a strong and lasting alliance with the enemies of France. This alliance, even if we regard Spain as a party adherent to the French power, will give a decided preponderance to the allies. This calculation may be erroneous for the time, like so many others when the characters of those, who govern, disturb the balance of physical power. But the error can be only momentary, for minds change, while the mass remains the same. In vain would a Frederick arise; Prussia must yield at length to the attacks of Austria, unless she be protected by the Russian buckler.[1]

We have wandered from the point whence we set out. Let us return, that I may repeat to you, Sir, what I have always said to those, who would listen to me. Our nation is still unknown to Europeans. They arrive at a seaport, and find collected there a confused mass from every nation, hear in society the language of selflove and selfinterest, read in the gazettes the nonsense of college boys, and then, *from such specimens*, judge of the character and genius of more than a million of freeholders, spread over an immense surface. The leaders of France, brought up under a monarchy, cannot yet appreciate the spirit of a Republic. They have estimated us by the examples of those, whom thirst for gold brings to Paris, and they are deceived; or rather they deceive themselves into believing, that the opposition expresses the sense of the people,

which is no other than to believe, that the least numerous party forms the majority.

Our character is mild, patient, reserved, but high spirited and noble. They have plundered our vessels and destroyed our commerce, without extorting from us a single unfriendly word. They have now gone farther; they have sent away our Ministers, and the insult has affected in an instant what they have attempted in vain during two years of pillage. America takes up arms, and no doubt those, who, until now, have advised threatening measures, will affect to despise her power. The wise man, however, will judge of them according to the principles, which animated them, and he will not be misled.

But where am I? It is time to put a stop to the indiscretions of my pen, which should have confined itself, Sir, to the expression of the sincere esteem, and respectful regard, with which I am, &c.

GOUVERNEUR MORRIS.

CORRESPONDENCE

AFTER

THE RETURN OF MR MORRIS FROM EUROPE,

ON

PRIVATE AND POLITICAL AFFAIRS

IN THE

UNITED STATES.

CORRESPONDENCE

ON

PRIVATE AND POLITICAL AFFAIRS

IN THE

UNITED STATES.

TO JOHN PARISH, NEUENSTEDEN, NEAR HAMBURG.

Morrisania, January 27th, 1799.

My Dear Friend,

I have received your excellent kind letter of the 30th of last October. Since my return to this place I have been very much occupied in getting my house, my books, and my papers into some little order. The first was leaky and looked ruinous; the second, of which there are some hundred volumes, had been so packed up at Paris, that an edition of half a dozen volumes was sometimes scattered through as many boxes. My papers could not be unpacked till the books were out of the way, and a fine scene of confusion I have had until yesterday, when I got tolerably through. With this also I have had company, and carpenters, and masons, and been obliged to look about me to see what is first to be done, of a thousand things which are more or less necessary.

In the midst of all this *verwirrung*, I received very sincere pleasure, and I may say delight, from yours of the 30th of October. I do not know but you are right in the idea, that I should provide myself with a helpmate, and the rather as I believe there is but little help to be found in the circle of one's

acquaintance. In sober seriousness, I should not hesitate, if I could light upon such a person as Mrs R. and light up in her bosom such a flame, as would on such an occasion warm my own. It is not good, say the Scriptures, for man to be alone, and when the winter of the year adds its frosts to the winter of life, I suspect that the long evenings may grow somewhat dull, and force me to town. But sufficient unto the day is the evil thereof. I trust myself to the stream of time, and float as fate may order, fully convinced that the best pilots know very little of the matter.

It has been a cause of general rejoicing in this country, that the French have been so beaten at sea, and the general wish seems now to be, that misfortune may still pursue them, and humble a pride as intolerable as their tyranny is outrageous. An amazing change has been wrought in the minds of our citizens. Abhorrence of everything French now pushes them far on the other side of what I think sound reason; and because the French are *ostensibly* levellers, they would fain give to government more vigor than is needful for good purposes. There is, however, a fund of good sense and a calmness of character here, which will, I think, avoid all dangerous excesses. We are free; we know it, and we know how to continue free.

Some of my friends have, as you may readily suppose, been talking to me of public life, but I turn a deaf ear to all that can be said of that sort, not meaning to embark again on the stormy ocean of politics, now that I have got safe into the port of private life, unless something should happen which I do not foresee to make it my duty. We are just now spending much more money than is necessary to put ourselves in a reputable posture of defence, but that is of no great consequence, for we are, thank God, arrived at a situation where a few millions more or less may be disregarded.

Remember me most affectionately to Mrs Parish, and my other friends, and believe me ever and truly yours,

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Morrisania, April 6th, 1799.

My Dear and Worthy Friend,

Since mine of the twenty-seventh of January, I am without any of your favors, and conclude that the winter has been as severe with you as with us. The present is a fine day, and the birds are singing merrily; but it froze smartly last night. I believe no country ever suffered so much for the want of laborers as this does. We are giving them at the rate of three marks a day, while you in Europe are killing them at sixpence a head. What a pity that Princes did not understand commerce; they would then send their live stock to a better market, than they have found for it these last half dozen years.

I see by our gazettes, that the Kings of Naples and of Sardinia are ousted of their possessions, by the arts and the arms of the French Republic. As one nail drives out another, so will the crimes of the French reform the vices of Italy. In the great revolutions of empire, only small arcs, or segments of the wheel, can be viewed by any one generation of men. It is in the pages of history, that we must look for instruction, and there we learn, that nations, sunk in luxury, are not long to last; that when public spirit is gone, the public body must perish; that pride is the distinctive mark of royalty, and as it were the life blood of Kings. The Monarch, therefore, who submits to insult, is effectively dethroned. He may strut awhile in the pageantry of a court, but his destruction cannot be long delayed. He is doomed to be miserable and unpitied. To use a German expression, 'the staff is broken over the heads of those who are on high.' They are struck with terror. With hollow hearts they fawn upon their foes; and, sowing falsehood in the vain hope of reaping a respite of their fate, they find a full harvest of contempt.

I see with concern, that you have a dispute with France.

As she is in possession of Italy, she will not, I imagine, want your money just now, and if a good understanding takes place between Paris and Berlin, your city may be the part compensation for what Prussia loses on the Rhine. This will, however, depend on the question, whether the Directory can effect by terror what Britain has been unable to bring about by promises, viz. a good understanding between the two great German courts. I do not think, that Hamburg will, as a place of commerce, suffer by changing the eagle in her arms; but if that blow be struck, it will be followed up by an inroad into the Dutchy of Holstein, as well as into the Electorate of Hanover. The Emperor, as the price of his complaisance, will, in such case, get Bavaria, so long the object of his affectionate solicitude.

But why should I plague you, or myself, with these dreams of another world? You wish rather the relation of our realities. And yet, my excellent friend, what are the realities of the earth but a less vapory dream? What are our best conclusions from the most solid facts, but light conjecture, built on airy vision? You will have seen, that we are in effect at war with France, and that your friend Truxton has taken one of their frigates. The public opinion is in favor of a war, and it would be perhaps wise to get fairly engaged, in order that being once completely armed, we may command the kind of peace to which we are entitled. I rather think, however, that we shall have a patched up treaty, to please those among us who oppose the government, because its power is not in their hands, and who will accuse it of all the mischiefs resulting from such a treaty. *Give us peace in our time, O Lord!* is as much the wish of the indolent, as it is the prayer of the pious, and alike the dictate of avarice and religion.

The great majority of our people, however, sensible to the indignities which have been heaped upon our heads, wish to vindicate the national honor, and are far from approving the advances lately made by the President. The Directory are, I presume, so well informed as to know this temper, and so

wise as to calculate its consequences. I think it probable, therefore, that they will avoid a war with us for the present.

Remember me to all my friends in your neighborhood, and believe me, my dear Sir, &c.

GOUVERNEUR MORRIS.

M. NECKER TO GOUVERNEUR MORRIS.

Translation.

Copet, May 13th, 1799.

Sir,

I learned with much pleasure, from our mutual friend, that you had reached your home in safety. And as you are not one of those men, of whom we lose sight, even across the ocean, I take the liberty of sending you, from my retreat, a token of my friendship.

I regret that I can no longer derive advantage from the sagacious speculations of your mind, and from your prognostications, so frequently verified. Our European world still goes on in the same course, and in obedience to the first impulse. Yet there is some variation in the violence of the winds, as you will see by the public papers, which would afford you a good opportunity to exercise again your prophetic powers.

You had the goodness to charge yourself with the task of executing in due form, on your arrival in America, the paper, which you sent to me by our friend from Hamburg. For our common security, I doubt not you have attended to this business.

Our friend has commissioned his brother-in-law, Mr Coxe, to put the thing in perfect order by entering upon the records the sale, which he made me at Lausanne under your inspection, of a certain tract of land in Pennsylvania. He was to entrust this affair to his attorney in conjunction with you. I have not yet ascertained whether it is executed. Will you have the goodness, if you can do it without inconvenience, to

obtain information upon this subject, and to call their attention to it, if necessary?

Have you confidence in the internal tranquillity of your country, and in the security of the public debt? Pardon me, Sir, if my questions require a few moments of your time. You may reply at your leisure, and, at such a distance, you need not fear my indiscretion. Will Europe never see you again? Accept, I pray you, the assurances and the homage of my inviolable attachment.

NECKER.

TO M. NECKER, BARON COPET.

Translation.

Morrisania, September 17th, 1799.

Sir,

I have received the letter, which you did me the honor to write to me on the thirteenth of May.

I have never for an instant doubted the tranquillity of our country, or the solidity of its funds; but if such doubts had ever existed in my mind, they would be dissipated by everything I see here. The dizziness, which French principles had produced in some heads, is cured. They look with an unwelcome eye upon all innovators; the rights of property every day acquire new strength, and the mass of the people are more secure than ever from the power of demagogues. Taxes are not heavy, and we have more reason to fear the payment, than the increase of our debt. You, who are thoroughly informed upon all that relates to the resources of a country, know better than any one, Sir, how useful a moderate debt is. The price of provisions is beginning to fall, and if peace is made in Europe, we shall march on with giant strides in every path to prosperity. War will perhaps become necessary to prevent our growth from being too rapid.

In consequence of our last news, I have every reason to

hope that you now enjoy tranquillity. God grant it. You do me the honor to inquire, whether I shall not return to Europe. I believe not, but we should never take a vow to anything. I am comfortably settled on a little farm, and am confident that if you were here, you would not advise me to leave it. I have the honor to be, Sir, &c.

GOUVERNEUR MORRIS.

TO GEORGE WASHINGTON.

Morrisania, December 9th, 1799.

My Dear Sir,

During a late visit to New York, I learnt that the leading characters, even in Massachusetts, consider Mr Adams as unfit for the office he now holds. Without pretending to decide on the merits of that opinion, which will operate alike whether well or ill founded, it appeared necessary to name some other person. You will easily conceive, that his predecessor was wished for and regretted, nor will you be surprised, that the doubt whether he would again accept should have excited much concern; for you are so perfectly acquainted with the different characters in America, and with the opinions which prevail respecting them, that you must be convinced, however painful the conviction, that should you decline, no man will be chosen, whom you would wish to see in that high office.

Believing, then, that the dearest interests of our country are at stake, I beg leave to speak to you freely on this subject.

No reasonable man can doubt, that after a life of glorious labor you must wish for repose, and it would not be surprising, that a wish so natural should, by frequent disappointment, have acquired the force of passion? But is retirement in the strict sense of the word a possible thing? And is the half retirement, which you may attain to, more peaceful than public life? Nay, has it not the disadvantage of leaving you involv-

ed in measures, which you can neither direct nor control? Another question suggests itself, from another view of the subject. Will you not, when the seat of government is in your neighborhood, enjoy more retirement as President of the United States, than as general of the army? And in the same view again, another question arises. May not your acceptance be the needful means of fixing the government in that seat?

There is a more important consideration. Shall the vast treasure of your fame be committed to the uncertainty of events, be exposed to the attempts of envy, and subject to the spoliation of slander? From envy and slander no retreat is safe but the grave, and you must not yet hide yourself behind that bulwark. As to the influence of events, if there be a human being, who may look them fairly in the face, you are the man. Recollect, Sir, that each occasion, which has brought you back on the public stage, has been to you the means of new and greater glory. If General Washington had not become a member of the Convention, he would have been considered only, as the Defender, and not as the Legislator of his country. And if the President of the Convention had not become President of the United States, he would not have added the character of a statesman to those of a patriot and a hero. Your modesty may repel these titles, but Europe has conferred them, and the world will set its seal of approbation, when, in these tempestuous times, your couutry shall have again confided the helm of her affairs to your steady hand.

But you may perhaps say, that you stand indirectly pledged to private life. Surely, Sir, you neither gave, nor meant to give such a pledge, to the extent of possible contingencies. The acceptance of your present office proves that you did not. Nay, you stand pledged by all your former conduct, that when circumstances arise, which shall require it, you will act again. These circumstances seem to be now imminent, and it is meet that you consider them on the broad ground of your extensive information.

Ponder them, I pray you, and whatever may be the decision, pardon my freedom, and believe me truly yours,*

GOUVERNEUR MORRIS.

THE DUKE OF ORLEANS TO GOUVERNEUR MORRIS.

Translation.

At Quarantine, in the Bay of Falmouth, January 30th, 1800.

Sir,

I learn that a packet boat is speedily to depart for New York, and I avail myself of this opportunity to inform you of our safe arrival, after a passage of twenty-one days, with little bad weather, and, thanks to God, having met no cruisers of any description. We saw, however, a vessel, *not English*, which fortunately thought best to be afraid of us. We are the more favored, as the sea is at present covered with privateers, and four packets have just been taken. The gazettes speak of nothing but captures, and gales of wind.

I shall soon write to you more at length, but I have nothing at present to acquaint you with, except our fortunate escape. You see that I am *born* under a lucky star. (*Vous voyéz bein que je suis né heureux.*) And Bonaparte first Consul, with his colleague the Abbé, and his Minister the Bishop!—

I salute you with my whole heart. Compliments to your friends.

DUC D'ORLEANS. †

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* It is not probable, that General Washington ever read this letter. He was taken ill on the 13th of December and died on the 14th. On the back of the original letter, contained among Washington's papers, is an endorsement of the name and date, but not in his hand writing. There was barely time for it to reach Mount Vernon by the 13th, but it was Washington's custom to send only twice a week to the post office at Alexandria for his letters. Considering these circumstances, it is hardly possible, that the letter should have come to his hands before his illness.

† Now LOUIS PHILIPPE, King of the French.

THE DUKE OF ORLEANS TO GOUVERNEUR MORRIS.

Translation.

London, March 5th, 1800.

Sir,

I have already been here nearly three weeks, and I regret much that I could not have written to you before. I seize the first opportunity which offers. I wrote to you from Falmouth by the packet ship, and hope you received my letter.

Everything has gone on here in the best possible manner, and we have been received just as we could desire. We have been admitted to a special audience of the King and Queen, which was very long, and in the course of it their Majesties loaded us with kindnesses.

We often see *Monsieur*, who has been extremely kind to us. He has had the goodness to undertake to convey to the King a letter, in which we beseech him to accept the homage of our allegiance, *(fidélité)*. I repeat, everything has happened exactly as we could wish. You have seen many tales about this matter in the gazettes. I trust you have believed none of them, and that you know me well enough to be convinced, without my saying so, that I have not failed to exhibit in my conduct the frankness and dignity, which became me. It is needless, then, to dwell on this subject.

I cannot yet tell you what we shall do. This depends, first of all, on the news we receive from my mother. I have had no recent intelligence, and what I last heard was not agreeable; but she at least is well. They will not allow me time to finish my letter, and write to you with as much minuteness as I could wish. I leave it, then, to my friend M. to give you a circumstantial account. My time is absorbed in receiving and paying visits, dinners, notes, &c. of which there is no end.

Adieu. You know the friendship I ever cherish for you. I will write a longer letter hereafter.

My brothers charge me with a thousand things for you. Our compliments to Mr Low and his family.

DUC D'ORLEANS.

TO THE DUKE OF ORLEANS.

Translation.

Morrisania, June 3d, 1800.

I have had the happiness, Monseigneur, of receiving your two letters. The latter, of the 5th of March, informs me of the good reception, which the people were eager to give you, and though I entertained no doubts of it, I was very glad to learn it from so good a source. I believe that our newspapers have said nothing improper on the subject. It gives me great satisfaction to learn that the Princess is well. God grant that she may have the satisfaction of embracing her children again at Paris, and of seeing them laboring there for the good of their country.

Being uncertain by what hands I shall send this letter, I shall not allow myself to offer any conjectures as to the future; and this the rather, as I have no facts on which to rest them. I thought, that I had some knowledge of the character of the French nation, and I did not believe that it could have submitted to the dominion of a foreigner, still less to that of a Corsican. It seems to me, that even if peace be not made, the war must come to an end for want of combatants. It has already made a terrible destruction of them.

I annex to this a copy of the Funeral Oration, which you expressed a wish to have. The newspapers inform us, that one has been pronounced in Paris, but that in England they have not even the appearance of knowing that Washington is dead. The fact is, that, in that country, they have always the good sense to wish to catch flies with vinegar; (*On a toujours le bon esprit de vouloir prendre des mouches avec du*

vinaigre.) Adieu, my friend. May you enjoy health. Have the goodness to remember me to the Princes, your brothers, and ever rely on my sincere attachment.

GOUVERNEUR MORRIS.

TO RUFUS KING, LONDON.

Morrisania, June 4th, 1800.

My Dear Sir,

I pray you will be so good as to forward the enclosed letter to the Duke of Orleans.

You have doubtless heard, that our legislature is anti-federal, and that our present system is somewhat wild. Mr Adams is known to you, and of course certain things have excited less surprise, than they would have done, had they been performed by a man of steadier conduct. Living as I do, in the country, and thinking as little of politics as I can, it is not in my power to tell you what plans are in agitation, much less what events will take place, but *nil desperandum de Republicâ*, is a sound principle.

Let the chair of office be filled by whomsoever it may, opposition will act as an outward conscience, and prevent the abuse of power. As to the discarding of it, we may fairly trust the ambition, which seeks office, for holding the power which it confers. In the mean time, all our friends here are in sad anxiety. The truth is, that a direct tax, unpopular everywhere, is really unwise in America, because property here is not productive. Of course the democrats, and their demagogues, have had just cause to complain of the manner in which money is raised, and our expenditure is far from economical, so that no applause is to be expected on that score.

But the thing, which, in my opinion, has done most mischief to the federal party, is the ground given by some of them to believe, that they wish to establish a monarchy. I am, &c.

GOUVERNEUR MORRIS.

TO THE PRINCESS DE LA TOUR ET TAXIS.

Translation.

Washington, December 14th, 1800.

It is now seven months, amiable Princess, since the date of your charming letter, and yet I have received it only within a few days. Meanwhile, the newspapers have informed us of the misfortunes, which drove you from your dwellings, and I have followed your route with so deep an interest, that I have been, as it were, jolted over the rough roads of the upper Palatinate. I have felt sensibly the alarms and the separation of the society of Ratisbon, whose hospitable roofs I do not and never shall forget. And even if the reception, which was given me by its inhabitants, should be effaced from my memory, can I fail to remember your residence?

A thousand thanks for the interesting detail, into which you have had the goodness to lead me. I am charmed with what you say of your children. God grant that those fair fruits of duty may repay you with interest for your maternal cares.

It seems possible, according to the latest news, that peace may now be concluded, and that it may have brought you back to the banks of the Danube. I hope you may be able to walk there in peace for many long years, and to contemplate, in that majestic river, an emblem of life, which is ever flowing on, now calm, and now tempestuous.

Allow me to take the liberty of annexing to this a letter for Madame de Vrinz, and to request you to present my respects to the Prince, and to remember me to Madame de Lenthe and to Madame de Diede; in fine, to the whole society.

As for myself, there is nothing in the monotonous life of such a being, which, even to the eyes of selflove seems worthy of recital. I am playing, here, the part of a Senator, and carelessly amuse myself with the view of the petty intrigues, and the vain hopes, of that proud and weak animal, called man.

We want nothing here but houses, cellars, kitchens, well informed men, amiable women, and other little trifles of this kind, to make our city perfect; for we can walk here, as if in the fields and woods, and, considering the hard frost, the air of the city is very pure. I enjoy more of it than any one else, for my room is filled with smoke whenever the door is shut. If then, you are desirous of coming to live at Washington, in order to confirm you in so fine a project, I hasten to assure you, that freestone is very abundant here; that excellent bricks can be burned here; that there is no want of sites for magnificent hotels; that contemplated canals can bring a vast commerce to this place; that the wealth, which is its natural consequence, must attract the fine arts hither; in short, that it is the very best city in the world for a *future* residence.

As, however, I am not one of those good people, whom we call posterity, I should like very well to remove to old Ratisbon, because I should then have the happiness of seeing you, and of repeating to you, with my own lips, the assurances of my repsect and attachment.

GOUVERNEUR MORRIS.

TO THE BARONESS DE VRINZ.

Translation.

Washington, December 14th, 1800.

I know not whether I ought to call myself to the recollection of Madame de Vrinz, whose long silence has made me fear that she has forgotten me. I cannot deprive myself of the pleasure, however, of offering her my felicitations at the prospect of approaching peace, and beg she will present them to her friend, who ought, willingly or unwillingly, to repose on his laurels. He will not thank me, for he is passionately fond of his trade. I entreat you to teach him another, which will

be as valuable to him, for it would be a sad catastrophe, if the discharge of some unmannerly cannon should deprive him of his head.

Behold yourself happy in making a part of the society of Ratisbon, the charms of which you know better than any one else how to appreciate. Could I be favored with the cap of *Fortunatus*, how suddenly would you see me in your presence, claiming a small portion of your joys; but in default of this expeditious mode of conveyance, and considering the tardy movements of those, which it is necessary to use, the season, the distance, and other little circumstances, I am compelled, however reluctantly, to give up all hopes of performing the journey.

Receive, therefore, Madam, in the only mode in which it is possible to communicate them, the assurances with which I am, &c.

GOUVERNEUR MORRIS.

TO ALEXANDER HAMILTON.

Washington, December 19th, 1800.

My Dear Sir,

In company this day I heard much said about the treaty brought to us by Mr Dacre; wherefore, as it is now a subject of public conversation, those restraints which I had imposed on myself are removed, and I take the earliest opportunity of saying one word about it to you.

The negotiation appears to have been very well conducted on the part of France, and the result is probably equal to her wishes. It contains, among other things, a stipulation that, as the parties cannot agree about the old treaties, nor the indemnities *mutually* due, or claimed, they will negotiate farther about them at a *convenient period*, and, until they shall have agreed on those points, the treaty shall have no operation, but the relations of the two countries shall be regulated by that convention; that public ships, which have

been, or may be taken, shall be *mutually* restored; that property captured, and not yet definitively condemned, shall be restored on proof of ownership; that debts shall be paid; that the vessels of the two nations, and their privateers as well as their prizes, shall be treated in the respective ports of each other, *as those of the nation the most favored;* that free ships shall make free goods, and the converse; that where neutral ships are convoyed, the word of the officer commanding the convoy shall be taken, and no visit allowed; that when armed ships shall be permitted to enter with their prizes, they shall not be obliged to pay any duty, nor shall the prizes be seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes, *but this stipulation is not to extend beyond the most favored nation;* that privateers belonging to an enemy shall not fit their ships, sell or exchange their prizes, or purchase provisions, except what may be needful to go to the next ports of their own country. Finally, this convention is unlimited in its duration.

Such, my dear Sir, is the result of our French negotiation, which evidently places us in a critical situation.

It is supposed, that Mr Jefferson and Mr Burr will have equal votes, and various speculations are made and making on that subject. At first it was proposed to prevent any election, and thereby throw the government into the hands of a President of the Senate. It even went so far as to cast about for the person. This appeared to me a wild measure, and I endeavored to dissuade those gentlemen from it, who mentioned it to me. It seems now to be given up. The object with many is to take Mr Burr, and I should not be surprised if that measure were adopted. Not meaning to enter into intrigues, I have merely expressed the opinion, that since it was evidently the intention of our fellow citizen to make Mr Jefferson their President, it seems proper to fulfil that intention.

The answer is simple, and on mere reasoning conclusive, but it is not conclusive to unimpassioned sentiment. Let the

representatives do what they may, they will not want arguments to justify them, and the situation of our country, (doomed perhaps to sustain, *unsupported*, a war against France or England) seems indeed to call for a *vigorous practical* man. Mr Burr will, it is said, come hither, and some who pretend to know his views think he will *bargain* with the Federalists. Of such *bargain* I shall know nothing, and having declared my determination to support the constitutionally appointed administration, so long as its acts shall not in my judgment be essentially wrong, my personal line of conduct gives me no difficulty, but I am not without serious apprehension for the future state of things.

The anti-federal party is beyond question the most numerous at present, and should they be disappointed in their expectation, as to the President, they will generally, I believe, oppose the government with embittered rancor. The best Federalists will, I apprehend, support but feebly a man, whom (unjustly perhaps) they consider as void of principle; and a government, whose force lies in public opinion, will, under such circumstances, be critically situated.

I should do injustice to my opinion of your intuitive judgment, should I dilate any farther. You are better acquainted with characters and opinions, than I possibly can be, and your ideas will have weight on the minds of many here, should you think proper to transmit them through some accustomed channel of communication. The subject is certainly of high consideration, and the circumstances of the moment are of peculiar delicacy.

I am, &c.

GOUVERNEUR MORRIS.

TO ALEXANDER HAMILTON.

Washington, January 5th, 1801.

My Dear Sir,

I have received your favors of the 24th and 25th of last month. I am much obliged by both.

The Convention with France will be ratified *sub modo*. Such at least is my opinion. I wish, first to strike out the 2d and 3d article; secondly, to fix a limitation of time. The 2d article, by suspending the *operation*, admits the *existence* of former treaties. The restitution of our trophies, stipulated by the third, may damp the spirit of our country. That nation, which will permit profit, or convenience, to stand in competition with honor, is on the steep descent to ruin. If, with the exception of those articles, and a limitation of time, the Convention be mutually ratified, I shall think it no bad bargain. Will the French Consul ratify it, when so curtailed and limited? Perhaps, if his affairs are prosperous, he will not. Some gentlemen propose adding a clause to declare, that it shall not prejudice former treaties. This appears dangerous, because, if afterwards ratified without that clause, such ratification may be constrained as an assent to the conclusion, which the declaration was intended to obviate.

On the election between Mr Jefferson and Mr Burr, there is much speculation. Some, indeed most, of our eastern friends are warm in support of the latter, and their pride is so much up about the charge of *influence*, that it is dangerous to quote an *opinion*. I trust they will change, or be disappointed, for they appear to be moved by passion only. I have, more at the request of others than from my own *mere motion*, suggested certain considerations not quite unworthy of attention; but it is dangerous to be impartial in politics. You, who are temperate, *in drinking*, have never perhaps noticed the awkward situation of a man, who continues sober after the company are drunk.

Adieu, my dear Hamilton. God bless you, and send you many happy years.

GOUVERNEUR MORRIS.

TO ALEXANDER HAMILTON.

Washington, January 16th, 1801.

My Dear Sir,

I have yours of the ninth. I had already replied to those, which it refers to. The idea that a division of the votes would bring over the *Aristocrats*, who call themselves *Democrats*, to vote for Burr, is unfounded. Were it otherwise, a number of Federalists, that is of Republicans, would urge the experiment. The conviction that they will not abandon their man may induce the Republicans to unite with the adversary, and give Mr Jefferson a unanimous vote.

I have hinted, that should they find the opposition to him ineffectual, it might be advisable openly to declare, that, 'unable to estimate the respective merits of the candidates, *whose virtues they are equally ignorant of*, the Republicans will join in the choice of the person whom they may designate.' Under present circumstances, this appears to me the best expedient for avoiding all responsibility at the bar of public opinion, and that is important, for let the choice fall as it may, many will be displeased.

The present moment is indeed of high interest, but prudence seems to be more necessary than anything else. Not the cold quality, which avoids mistakes, but the active virtue, which corrects the evil of mistakes already made. I am, &c.

GOUVERNEUR MORRIS.

TO ALEXANDER HAMILTON.

Washington, January 16th, 1801.

My Dear Sir,

I this instant received your favor of the tenth. I thank you for it. The Aurora will have shown you the result of our deliberations on the Convention, at least of those which went to a division worth noting. If it sticks in France, it will be

respecting points on which the vote was unanimous, or nearly so.

As to the induction from the words of the second article, that the old treaties subsisted, though their operation was suspended, I think it undeniable, and when connected with certain rights given by the Convention, which had been given both by those treaties and by the treaty with Britain, a construction less strained, than many which become prolific in the management of a great power, would have involved us in serious difficulty. To Britain was given certain rights, limited by those of a similar kind previously given to France. In abolishing our treaties with the latter, that which we had made with the former obtained an *actual* extension, which we might *rightfully* restrain; for as she was no party, either to our treaties with France, or to the abrogation of them, she could not rightfully complain, had we thought fit to re-establish those treaties. When, therefore, *acknowledging their existence by suspending their effects* GENERALLY, we PARTICULARLY stipulate, and LITERALLY renew a part, might not the French demand for the part so renewed a *priority?* In fact, might not France demand, that a British ship should not bring into our ports a French prize? The privileges granted being *incompatible* and *exclusive*, the question of priority involves everything. So much for that.

Those articles (the second and third) being left out, the Convention must be considered merely as a treaty of peace. The pre-existence of war is admitted, and from the moment of that admission, there is an end to treaties and to claims of restitution and indemnity. Nothing, therefore, can make the matter more clear than to be perfectly silent.

Our negotiators huddled up a treaty, because there was to be a general peace; and you, my good friend, seem to think we should gulp it down because there is to be a general war. I took occasion early to declare in the Senate, that we need not hurry the matter through, because, in my opinion, there would not be a general peace. Circumstances rush on to

support my conjecture. Doubtless the First Consul, if the dice run against him, will agree to our offer. If they run in his favor, he may reject it, and in like manner he might under such circumstances have freed himself from any *cobweb fetters*. His whole conduct is a comment on that text.

But you seem to fear for Britain, because she has brought paper money into fashion. This reason, my dear Sir, is stronger against trusting her in commerce, than it is against confiding in her system of politics or war. Paper money, like ardent spirits, increases for awhile the strength, though it consumes by degrees the fat, the muscles, and the viscera. At present Britain presents a plump carcass for the poison to prey upon. With tolerable management she may last at least ten years, and make during that period tremendous exertions. Rely on it, Denmark and Sweden will be sick of their bargain before midsummer next, and as to Paul Peter, remember what I told you of his fickle character. He cannot last long, and deprived of commerce will find his paper bubbles run down hill much faster, than the paper guineas of his adversary. His mother was a different being, and yet, even with her gigantic talents, she must have failed in the prosecution of her schemes, had she not obtained money on loan in Holland.

As to the continental war, I think France has pushed as far as reason will justify. Should she go farther south in Italy, and farther east in Germany, the Austrians, by rapid movements to a central position, may give the Consul a blow he will never recover.

I am, &c.

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Washington, January 20th, 1801.

My Dear Friend,

I find you have been much a traveller during the last summer. I too have travelled, but through countries from whence I could not write, and in which I received no letters. In July last I left home to visit some property of my own, and some which was confided to my care by others, in the northern parts of the State of New York. I went by Albany, the Lakes George and Champlain, and to Montreal. After partaking for some days of the festive hospitality of that place, we took boat and went up the St Lawrence to Lake Ontario, and along the south side of that Lake to Niagara, thence by land to Lake Erie, and so back again. This jaunt consumed so much time, that I could not reach my own home till within a few days of the period, when I was bound to come hither, and in those days could scarcely get through the business which lay upon me. Since my arrival at this place, I have been and still continue, incessantly occupied.

If I thought description could convey an accurate idea of what I saw during this excursion, I would attempt to paint objects, which must be seen to be understood. Hudson's River differs from your Elbe in every feature, except the breadth. Near two miles wide at New York, it swells by degrees into a Lake of six miles before you reach the mountains called the Highlands, which are forty miles from the city. The western shore is for thirty miles, a high and almost perpendicular rock. The eastern consists of lofty hills variegated with forests, orchards, cottages, cornfields, and pasture; in short, it displays everything which can render a country, at once grand and beautiful. The river, generally straight, is, in passing through the mountains, forced to serpentine by jutting promontories. These are high, steep, abrupt, where pendant rocks frown on the passenger. Like your Grampians, they are huge masses of granite, and in some parts, like them, their

breasts lie bare to the blast, but in general they are clothed with luxuriant foliage.

After a progress of twenty miles through this range of mountains, you open on a wide sheet of water, extending nearly as far as the eye can reach, with a breadth of almost two miles, and you see at a distance on your left the head of the Alleganies. On your right, is a continuation of the mountains you have passed, which, stretching under various names through Vermont, and along the bounds of Lower Canada, terminate at the Gulf of St Lawrence. As you ascend towards Albany, you pass two other ridges, beginning each at the distance of ten or twelve miles from the west bank of the river. The vallies between these ridges extend southwestward to the Bay of Mexico. They are varied by hills, and watered by many rivers.

About thirty miles to the southward of Albany, you have already turned the third range, which is the head of the Alleganies, called at that place the Blue Mountains, and the Catskill Hills, for the English have rendered by the word *hill* the Dutch word *bergh*, and the stream, or *kill*, which runs from them, was anciently infested by panthers and the large wildcat. As you approach Albany, the features of the scene begin to soften. The shores are neither so high, nor so steep; and, at length, sailing among rich meadows and islands you reach that city, which is 160 miles from New York.

Something more than sixty miles farther north is the south end of lake George. In riding upward from Albany, along the Hudson, you pass over some fine land well cultivated, and in crossing by a bridge the mouth of the Mohawk river, you see at less than half a mile the great *Cohoes Fall*, of above seventy feet perpendicular height, over which tumbles a river as large as the Elbe at Wirtemberg. At a place called Fort Edward you see the Hudson, a stream still more copious, precipitate itself over a cataract nearly as high; and about five miles farther on, you have the view of another cataract, in the

same river, called *Glen's Fall*, whose features are still more rough and bold.

After leaving Hudson's river at this place, and passing over a plain of a few miles, you ascend some hills of a moderate height, and from the top of the last behold Lake George, which, at about ten or twelve miles from its southern extremity, is divided into two parts. The one called the Northwest Bay bends off to the westward, and the other, which is the main Lake, stretches along in a northern direction. At the upper, or southern end, this lake is from six to eight miles wide, but after a dozen miles it becomes narrower, and is sprinkled with islands of rock covered with trees, for ten or twelve miles; and then opens again to a sheet of water of three or four miles, after which, turning short between the points of two mountains of solid rock, it seeks its issue over cataracts into Lake Champlain. The shores of Lake George are bold, chiefly mountainous, frequently steep, sometimes perpendicular. And although these mountains are far from being so high as the Alps, the Lake is on the whole a finer object than that of Geneva, because it combines better the sublime with the beautiful, and far exceeds in the variety and richness of natural scenery. Its whole length is above thirty miles. The water is deep, pellucid, of a bright green, but on the sandy beach a liquid crystal. It is difficult which most to admire, the abundance, or excellence of the fish. Among these the trout and perch, called by the Dutch name of *barsch*, or *bass*, are the most prevalent. In crossing the Lake, I took with a trolling line above fifty of various sizes, from half a pound, to two pounds, and one of five pounds weight.

A walk of two miles from the landing place at the lower end of Lake George brings you to the landing place below, and you go thence by a short river two or three miles to Ticonderoga, on Lake Champlain. Here the scenery is totally different. The water is turbid, the shores of moderate height rise gently and are cultivated. At a distance on each side are high and waving mountains. After passing Crown Point, there

are mountains on the western shore, before we reach the Split Rock. Until that point the lake varies in width from one to three miles, but swells there to nine or ten. The shores are fine, the land rich, and in rapid improvement. There are good houses, handsome villages, and many vessels sailing to and fro. This part of the lake is sometimes rough, but when we reach Cumberland Head, it is confined by large fertile islands within less extensive, and more pleasant limits. The water, also, having had time to subside, becomes more pure. The mountains retire to the right and left, and before we reach the outlet of the lake, which is about one hundred miles from Ticonderoga, we are already in the great northern plain, which, beginning at Quebec, extends above a thousand miles southwest, west, and northwest, with scarce anything in it, which deserves the name of a hill. Towards the outlet of the lake near St John's, the shores are low and marshy.

The usual route from St John's is, by land, sixteen miles to the ferry at La Prairie, a village where everything is as much French, as within a league of Paris. Here the St Lawrence is crossed obliquely to Montreal; shooting a rapid in the way. From Montreal we go by land a few miles to Lachine, to avoid some difficult and shoal rapids, and then embark in a batteau, managed by five men. From this place to the mouth of Lake Ontario is one hundred and seventy-five miles. Some part of the distance the current is almost imperceptible, but in general it is swift, and frequently so rapid, that its waves are like those of the sea. So indeed are its waters, which are of a bright sea green, and of wonderful transparency. In a calm, on Lake Ontario, I let down a stone not so big as my fist, and saw it from the side of a batteau above thirty feet below the surface.

The source of the St Lawrence is a vast congeries of lakes. Ontario, the smallest of them, is unfathomable, and has a length of one hundred and fifty miles, with a breadth of fifty. The river flows out of this lake, and has therefore the advantage of being always full, and of never overflowing its

banks. Let me add here, that there is a brilliance in our atmosphere, which you can have no idea of, except by going to Italy, or else viewing one of Claude Lorraine's best landscapes, and persuading yourself, that the light there exhibited is a just, though faint copy of nature.

The borders of lake St Francis, so called because the river expands itself there to a breadth of five or six miles, and has but a gentle current, are chiefly low; all the rest are of an agreeable height. The width of the river is various. Seventy miles from Lake Ontario it is about two miles wide, and deep enough for the largest ship, which may sail from thence to Niagara. In approaching the lake, it is wider, but does not appear so, being filled with islands of which there are, it is said, a thousand. There are also islands, and some of them considerable, in the hundred miles which extend from the first rapid down to Montreal. I believe there is much more water in this river, than in the Danube at Vienna.

Of the rapids I can say nothing. Each differs from the other, and all from everything of the kind I ever beheld. Still less can I pretend to convey to you the sentiment excited by a view of the lake. It is to all purposes of human vision an ocean; the same majestic motion too in its billows. More delightful country seats there are not in the world, than those which lie on the St Lawrence, and a Bay called Nuaoornee, at the mouth of the lake. Here too are such fish, as can be met with nowhere else. A man, who has not been on these waters, cannot be said to have ever tasted an eel. They have also three species of pike. One like that of Europe goes by the same name. Another of brighter scales, and something broader, called by the English, *pickerel*, and by the French, *poisson doré*, is much better. But the best of all, called by the Indian name, *maskinongi*, is of shorter make, particularly about the head, and of enormous size, viz. from a dozen to thirty pounds. Salmon is also abundant, and so is the large lake trout. The game, is of various kinds, and excellent.

In coasting along the south side of Lake Ontario the scene, always vast, has too much sameness, but I must not omit to mention, that we dipped up water from the surface, and found it cool, even in our midsummer. This circumstance combines with others to show, that the large lakes are fed by springs, and men of credit assure me, that, in ascending them, their waters become more limpid, so that a man would think that of Ontario foul and warm, when compared with the coldness and purity of Lake Superior, whose circumference is more than fifteen hundred miles.

After one day's repose at Niagara, we went to view the Falls. To form a faint idea of the cataract, imagine that you saw the Frith of Forth rush wrathfully down a steep descent, leap foaming over a perpendicular rock one hundred and seventy-five feet high, then flow away in the semblance of milk, from a vast basin of emerald. Proceeding from the falls towards Lake Erie, along the bank of Niagara river, the contrast is complete. A quiet, gentle stream laves the shores of a country, level and fertile. Along the banks of this stream, which by reason of islands in it appears to be of moderate size, we proceed to Fort Erie. Here again the boundless waste of waters fills the mind with renewed astonishment; and here, as in turning a point of wood the lake broke on my view, I saw riding at anchor nine vessels, the least of them above a hundred tons. Can you bring your imagination to realize this scene? Does it not seem like magic? Yet this magic is but the early effort of victorious industry. Hundreds of large ships will, in no distant period, bound on the billows of these inland seas.

At this point commences a navigation of more than a thousand miles. Shall I lead your astonishment up to the verge of incredulity? I will. Know then, that one tenth of the expense borne by Britain in the last campaign would enable ships to sail from London through Hudson's river into lake Erie. As yet, my friend, we only crawl along the outer shell of our country. The interior excels the part we inhabit in

soil, in climate, in everything. The proudest empire in Europe is but a bauble, compared to what America *will* be, *must* be, in the course of two centuries; perhaps of one! If, with a calm retrospect to the progress made within forty years, we stand on the firm ground of calculation, warranted by experience, and look forward to the end of a similar period, imagination shrinks from the magnitude of rational deduction. Forty years ago, all America could not, without bills of credit, raise one million of dollars to defend themselves against an enemy at their doors. Now, in profound peace, the taxes bring into the treasury, without strain or effort, above ten millions. In the year 1760, there was not perhaps a million of specie dollars in this country. At present the banks of Philadelphia alone have above ten millions to dispose of *beyond the demand.*

I heard it remarked many years ago as wonderful, that, in the year 1760, there were in privateers sailing from America as many seamen as there had been on board the royal navy of Elizabeth. Is it less wonderful, that our present tonnage should be equal to that of all the British dominions, at the accession of George the Second? If pausing thus at particular periods to collect the facts, we are already surprised, how shall we control our amazement, when those facts are applied in the course of just reasoning. This country advances not in a direct, but in a compound ratio, which is more than duplicate, and accumulating. Without adverting to the principles of this accelerating progression, ascertain facts, and for that purpose divide the last forty years into four periods; then supposing the ratio were duplicate, a revenue of ten millions in 1800 will give, for 1790, five millions, for 1780 two and a half, for 1770 one and a quarter million, and for 1760 five eighths of a million. But in 1760 it was far short of that sum.

But in speculations of this sort it is most proper to take periods of twenty years, so as to obviate fluctuations from accidental causes. If, then, half a million be assumed as the

utmost, which could have been raised in 1760, that sum multiplied by four gives two millions for 1780, which, multiplied by five, gives ten millions for 1800; or, going backward, and dividing first by three, we have $160,000 for 1740, and then by two, we have eighty thousand dollars, for the year 1720, the era of the South Sea Bubble. Now, if we go forward, not with sextuple but merely quadruple ratio, for two more periods of twenty years, beginning with two millions sterling, we have for 1820. eight millions, and for 1840, more than thirty millions sterling, of revenue; raised from a population which may then amount to near thirty millions of souls. This indeed seems impossible, but did it not seem equally impossible at the close of the seven years war, that the net revenue of British America should exceed two millions sterling by the end of the century. Had this been asserted on the exchange of London in the year 1760, would it not have been laughed at? Would it not have been laughed at in 1780? But whither am I going? I meant, in the time I steal, merely to answer your letters now lying before me.

Many thanks for what you tell me about your family, and about our friends. Remember me to them affectionately, and present my respects to Lord Adam, when you see him. If you were on this side of the Atlantic, I should greatly rejoice, and, whatever *you* might do, your grand-children would have good cause to rejoice. But you will not come. You will shiver along through German and Scotch summers, consoling yourself for the tediousness of June by the long, snug, comfortable evenings of January. You tell me, my friend, that I must join you, and particularly must take up my residence in London. But have you reflected, that there is more of real society in one week at Neuensteden, than in a London year? Recollect that a tedious morning, a great dinner, a boozy afternoon, and dull evening, make the sum total of English life. It is admirable for young men, who shoot, hunt, drink;—but for us! How are we to dispose of ourselves? No. Were

I to give you a rendezvous in Europe, it should be on the continent.

I respect, as you know, the English nation highly, and love many individuals among them, but I do not love their manners. They are perhaps too pure, but they are certainly too cold, for my taste. The Scotch are more agreeable to me, but were the manners of those countries as pleasant, as the people are respectable, I should never be reconciled to their summers. Compare the uninterrupted warmth and splendor of America, from the first of May to the last of September, and her autumn truly celestial, with your shivering June, your July and August sometimes warm, but often wet, your uncertain September, your gloomy October, and your dismal November. Compare these things, and then say how a man, who prizes the charms of nature, can think of making the exchange. If you were to pass one autumn with us, you would not give it for the best six months to be found in any other country, unless indeed you should get tired of fine weather. You are by this time tired of my letter; so, at length, I bid you adieu.

GOUVERNEUR MORRIS.

TO HENRY LEE.

Washington, January 22d, 1801.

Dear Sir,

In compliance with the wish you did me the honor to express, in your letter of the sixteenth, I will sketch out a general idea of what has occurred to my observation and reflection, respecting the commerce of our interior country, the political consequences which may result from it, and the means we possess of rendering that commerce and those consequences favorable to our government, and propitious to our future prosperity.

A slight examination of the map of the United States will

show, that two great natural communications exist, by which the commerce of the western country may be carried on; the one by the Mississippi and its branches; the other by the St Lawrence and the Lakes. It is worthy of notice, also, that these different highways approach in various places so near to each other, that but little land carriage is necessary to unite them. Let me add, that, from late discoveries of which the result has been communicated to me, there are but few and comparatively insignificant portages to connect both with the waters running into Hudson's Bay, and the frozen seas of the north.

Our history shows, that the French monarch, early apprised of the advantages to be derived from these vast rivers and inland seas, had taken measures to possess himself of the posts needful to secure these countries against us, and lay there the foundation of a vast empire, whose wealth and power can be, I will not say duly estimated, but faintly imagined by none, who have not seen some part at least of those extensive and fertile regions. A circumstance, which rendered them particularly desirable, and which fitted them in a peculiar manner for the commerce and policy of a great European power, is, that, by the two cities of Quebec and New Orleans, they were secured against an attack from the sea, and if the posts taken, had been fortified by the French and preserved, their trade was and would ever remain completely in the hands of the metropolis.

The peace of 1763 produced a great political change, followed shortly after by the surrender of New Orleans to the Spaniards. And before time could show the result of these events, the independence of the United States occasioned a change still more important. What may follow from the war, which now rages, is uncertain, but there seems no probability that we shall obtain by it either of those great keys to the western world, which are now in possession of Britain and Spain. Perhaps we may never want or wish for them.

Each of these natural highways has disadvantages peculiar to itself. The Mississippi is so long and so rapid, that the

ascent must ever be tedious and expensive. The voyage from New Orleans, either to Europe, or to the West Indies, is more circuitous and hazardous than from any port of the United States. The mouth of the St Lawrence is in so high a latitude, that the navigation is impracticable for a great part of the year. Besides, the ascent of that river against the rapids, which must be effected in small boats, is laborious and dilatory, after which the lakes require larger vessels for transportation.

Still, however, these communications, with all their defects, give great advantages for the commerce of our interior country to those, who are in possession of them. It will follow, that the inhabitants will by degrees form their connexions in the cities of Quebec and New Orleans, obtain their supplies through those channels, and vend their commodities in those markets, especially if Great Britain should possess herself of the latter place. The similarity of language and manners give to the English equal advantage with the American merchants. But their superior capital and convenience of transportation must render abortive all attempts at competition on our part. Commercial connexions, once formed, will attach our citizens to their views by the bands of interest and of necessity. Settlers from the middle, northern, and eastern States, repair even now in great numbers to Upper Canada. The government is mild, the laws, the manners, are like those they leave, and taxes are unknown. Already there is in Canada an extent of above three hundred miles in length thickly settled by native Americans.

If we improve the means held out to us by the beneficent hand of nature, we may obtain for ourselves all the advantages now enjoyed by foreign and rival powers. Nay, we may procure for our mercantile fellow citizens much greater advantages. The rivers of the United States, falling south-eastward into the Atlantic, furnish a means of transportation less interrupted by frost than the St Lawrence. Being navigable by tide water far into the country, they afford a conveyance more commodious than the Mississippi. You tell me you are well

acquainted with the Potomac navigation. This would be a sufficient reason with me not to dwell upon it, were I possessed of equal knowledge of the subject, which I am not. I place it, however, in the fore ground, because, being already far advanced, the national effort to complete it will not be great, since it opens on a country already cultivated, and because it leads directly to this capital of America, for the furthering and fostering of which the public faith stands pledged.

The navigation between the Hudson and Lake Ontario, by the Mohawk and Wood Creek, has been feebly and faintly attempted by a private company. My information about it is from others, but it gives no hope of an extent equal to what the nature of the thing requires. In my opinion, nothing short of the conveyance of a vessel of 100 tons, capable of navigating the Chesapeak, and which may pass from thence (by a communication also to be provided for in the bill) through the isthmus into the Delaware, and thence by the Raritan into the Hudson, is worthy of public attention. Nay, it appears to me, that this communication should be, if possible, so formed as to cost little or nothing to the navigator, and it is for that reason, that I do not think it ought to be left to any private company of adventurers. I say nothing of the canal from the Chesapeake into Albermale Sound, because I understood from you that it was already in great forwardness.

But you will ask me, if this be possible. I answer, that, as far as I can judge from observation and information, it is not only practicable, but easy, though expensive. To show this I need only say, that Lake Ontario is considerably higher than the Hudson, that the shores of that lake and the river flowing out of it are not high, that it furnishes an immense but equable stream of water, and that no mountains intervene. An inclined plane may, I believe, be found from the Ontario to the Hudson, but to Lake Champlain it most certainly exists.

As to the means of operating, they must be left to men skill-

ed in such business. Our attention will most properly be turned to the means of payment. It appears to me, that the produce of the stamp office, increased by extending the duties, might be applied to this object, and placed at the disposition of commissioners, who should be empowered, with the consent of the respective States, to open a commodious navigation, as far as the same may be practicable, from the waters of the Potomac to those of the Ohio, from the Hudson to lake Ontario, from the Chesapeake to the Delaware, and from the Delaware to the Hudson. I verily believe, that, in a few years, that fund properly applied would effect these great objects, and we should peaceably and beneficently make a conquest of the finest country on earth, which, if these measures be neglected, it will cost us in no distant period ten times as much to defend, as at this time, and in this mode, it would cost us to secure.

To you, my dear Sir, I dare give only hints. It would be presumptuous to dilate them. Accept, I pray you, the assurances of my respect and esteem.

GOUVERNEUR MORRIS.

TO ROBERT TROUP.

Washington, February 1st, 1801.

Dear Sir,

I have received your letter by Mr Fowler, and will serve him as far as I properly can. Not knowing the nature of his application, I can say nothing specific about it. Civilities I would gladly show him, but this, of all places in the world, is least fitted for such exhibitions.

I have shown to C. what you say about the future President. He says, that voting for Burr is the bitterest pill he ever took, but he is determined to swallow it. I do not think it a clear point, which of the two will be elected. Mr Jefferson has eight votes certain; Mr Burr has six equally certain. Of the

remaining two, one is divided, and one is doubtful, that is to say, it will be for Mr Jefferson, or divided. Under such circumstances, were Mr Burr a federal character, he would undoubtedly fail, but this is the occasion on which to apply the saying from Joe Miller's barkeeper, *Measter's Yerksire too.*

In effect, our friends, who generally reckon without their host, count very much on the latent powers of Mr Burr, and on certain energies which they suppose him to possess in a degree peculiar to himself. They consider their opponents also, as being so much in the habit of lying, that their declarations in favor of Mr Jefferson prognosticate an event unfavorable to him. In short, here are all sorts of suppositions, calculations, and conclusions. I hear both parties, and cannot help being amazed by the certainty of success, which is declared by each.

What you mention, in the close of your letter, had suggested itself to my mind. If our friend R. succeeds, it will give me more pleasure than any other political event possibly could do, for I love and respect him. If he fails, I shall be very sorry that he consented to become a candidate. It is impossible that the C. can wish him to succeed, for that would postpone his prospect to the Greek Calends. Adieu.

GOUVERNEUR MORRIS.

TO NICHOLAS LOW.

Washington, Feburary 8th, 1801.

Dear Sir,

Since the receipt of your favor of the nineteenth of last month, I have been so much employed, that I could not reply.

The Convention with France is finally agreed to, with the exception of the second article, and with a limitation of time. It was not a *nicety* of sentiment, which influenced the decision of the Senate. It is true, that many of those, who not long since

breathed nothing but war against France, strongly advised the adoption of that Convention without exception, or alteration, on the principle, that the federal party might, at a future day, boast of having steered the country through the storm into a peaceful haven. But it appeared to the Senate, that something more than the name of peace, or the credit of a party, was to be secured. The second article, while it holds out the idea of a compensation, which *confessedly* would never be made, acknowledged the existence of the old treaties; and, while in general it suspended their operation, left it open to France to come forward at a future day, when the evidence for claims for spoliation should be lost, to offer indemnity, and claim a renewal of the old treaties.

So long as those treaties shall exist, America will not be completely independent; but coupled as they were with the illusory hope of indemnity, France might always buy many of our influential citizens with their own money, and, intriguing at the same time with our desperate demagogues, force us back into a union derogatory both to our honor and to our interest. I cannot go through this subject, which branches into many chapters. I have, I trust, said enough to show that it was not a matter of indifference.

It is impossible to determine, which of the two candidates will be chosen President. Rumors are various, and intrigues great. Mr Jefferson will certainly have eight votes, and Mr Burr as certainly six. Of the remainder, one will, it is said, be divided, and the other divided or for Mr Jefferson. I do not meddle in this business, and am perhaps not so well informed as those who do, but I can see that it will be a tight race, and have good reason to believe that Mr Burr has more friends, and many more well wishers, than is generally imagined.

Make my affectionate remembrances to your fireside, and believe me, &c.

GOUVERNEUR MORRIS.

TO ROBERT R. LIVINGSTON.

Washington, February 20th, 1801.

Dear Sir,

Yours of the ninth instant is this moment received. If, as you suppose, I had the helm of the ship, I should steer differently, but whether better or worse is not for me to say. No man keeps himself more, and very few, if any, so much aloof from head quarters. No one has so pointedly expressed his disapprobation of those things, which tend to debase the offices, and degrade the dignity of government.

As to the convention, you will have seen that it is ratified. The second article being expunged, and the duration being limited, it is less exceptionable than it was. If it should not now be agreed to, by the French government, and that will depend on the state of affairs when it arrives, the real objection will be the limits of its duration. The commercial interest has gone, as you say, with the administration, and I believe it will go with the new administration. It certainly will, if they govern tolerably well. Not being a leader, nor in the secret of those who lead on either side, and neither wishing nor meaning to be so, I can judge with tolerable impartiality of what passes.

I have agreed heartily and cordially to the new judiciary bill, which may have and probably has, many little faults, but it answers the double purpose of bringing justice near to men's doors, and of giving additional fibres to the root of government. You must not, my friend, judge of other States by our own. Depend on it, that in some parts of this union, justice cannot be readily obtained in the State courts. That some improper appointments may take place under this law, I can readily suppose, but in what country on earth are all appointments good? That the leaders of the federal party may use this opportunity to provide for friends and adherents, is, I think, probable; and if they were my enemies I should condemn them for it. Whether I should do the same thing

myself, is another question. I believe that I should not. They are about to experience a heavy gale of adverse wind; can they be blamed for casting many anchors to hold their ship through the storm? The measure is doubtless very disagreeable to their adversaries, and, therefore, I believe it is the more adviseable in them.

That I was silent on our public affairs arose not from the cause which you imagine, but from two others. First, I was convinced that you had correspondents more capable of giving you information; and secondly, that (thanks to the love of popularity which prevails) the gazettes will give as early, and as full information, as I could do. Nay, they go much farther, for they not only tell what has been, but also what has not been, and sometimes that which could not have happened.

The election by the House of Representatives will doubtless have excited heats, and animosities, at a distance. Here the most perfect good humour prevailed, from beginning to end. I greatly disapproved, and openly disapproved, the attempt to choose Mr Burr. Many of my friends thought differently. I saw they would be disappointed, and, therefore, looked on with perfect composure. Indeed, my dear friend, this farce of life contains nothing, which should put us out of humor. I am, therefore, as ever yours,

GOUVERNEUR MORRIS.

TO THE COUNTESS OF HOHENTHAL, DRESDEN.

Translation.

Morrisania, November 1st, 1801.

Madam,

It gave me great pain to learn by the letter, which you did me the honor to write to me on the ninth of June, the irreparable loss that you have sustained. Be persuaded, I entreat you, of my sincere sympathy in your grief. I do not venture

to offer you any consolation, for I know that the feelings of a mother are never exhausted. It is not, then, even in the power of time to heal the wound, which a cruel fate has inflicted upon you. God alone can mitigate its anguish. Believe, however, that his divine providence acts only according to the designs of his paternal love, both when he grants a favor, and when he takes it away. By depriving us of the most beloved objects, he severs us from a world which we must at last leave. And even in this world, so foolishly loved, does not experience show us, that the objects of our desires are often fatal to us?

You are right, Madam, geography is, at present, a useless study. I wait for the moment of peace to make my maps. I cannot give the name of peace to the truce, which has been made. Undoubtedly the small powers will be sooner or later eaten up; the only question is, when, and how. It then remains to be seen, what will become of the great ones, when, touching each other on every side, they will have as many opportunities for injuring each other, as they can desire. The solution of this problem seems to me to deserve the attention of those, who govern States.

With regard to us, Madam, we are at present spectators, (not much informed, but tolerably quiet,) of the drama which is representing upon your great theatre. The developement must be interesting to us, because, as men, we cannot be indifferent to the fate of men. Moreover, by the census, which has just been taken, we have a population of five millions, which, in the advantageous position we occupy on the globe, is something. I pray you, Madam, be pleased to offer to the Count the homage of my respect, and to be persuaded, &c.

GOUVERNEUR MORRIS.

TO THOMAS JEFFERSON.

Morrisania, November 13th, 1801.

Dear Sir,

I have received your favor of the first. Accept my thanks for the communications which it contains. Time will eventually give us whatever Great Britain may withhold, in a commercial treaty. It is probably fortunate for us, that she had not the good sense to accede, at an earlier period, to our reasonable propositions. I am glad to find it is so clearly your opinion, that Spain will yield to proper remonstrances, respecting the depredations at Algesiras.

The rapid increase of our population fosters the most pleasing hopes. No doubt can be reasonably entertained of the prosperity, power, and glory of our country, if we preserve our union, and form of government; in a word, if we be not wanting to ourselves. I am, &c.

GOUVERNEUR MORRIS.

TO ABBE DE MARBOIS, PARIS.

Morrisania, December 3d, 1801.

Dear Sir,

I have read lately, in a German gazette, that you are appointed Minister of the Finances, for which, if true, I am very glad, because I think it highly important, that a man of talents and integrity should occupy that place.

I congratulate you, both as Minister and as a man, on the restoration of peace. It is the most glorious for France, which she ever concluded, and places her, beyond all question, as the first power on earth. I perceive by several late acts of your government, that it has the wisdom not to despise experience, and I conclude thence that they will recur to some simple modes of revenue, which formerly produced so much, and which would now produce a great deal more, without oppression. A

regulation, by which salt should be furnished at a moderate fixed price, through all the European dominions of France, would be useful, inasmuch as it would tend to equalize all things dependent upon that article of primary necessity; and if the price should not much exceed that, which commerce could afford it at in the remoter districts, every citizen would consider the law as useful.

An excise on spirituous liquors would also yield a great deal, and, in so far as it may enhance the price of your brandy, would be a tax on foreigners. You need not fear a competition, for the quality of that made in France will always command customers. Of all taxes in the world, that on tobacco is the most equitable, and may be made, I think, the most simple, and the most evidently useful. The culture of this plant is very pernicious. It requires much manure, and yields nothing by which manure can be made; of course it is the parent of sterility, and, diminishing the quantity of food, prevents the population, and consequently the strength and wealth of the State, from attaining to that degree, which nature had intended. Revenue, therefore, out of the question, it would be wise to interdict the culture of tobacco; if ever it can be wise to make violent and sudden changes, ruinous to some citizens, and too beneficial to others.

It might be prudent to lay a duty on the import, and a tax per acre on the cultivation, to go on increasing for a certain period. In the mean time, the government might cause a sufficient stock to be purchased here on commission. I think one hundred thousand hogsheads would be necessary, for I am sure your future consumption, if this plan be adopted, will exceed fifty thousand hogsheads, and as it would not be prudent to make a contract for the supply in the present state of prices and freights, so it would be useful by and bye to have such stock on hand, as not to receive the law from contractors. I presume that the eventual price of that article in your ports will be from forty to forty-two livres per hundred pounds. The government might, therefore, agree to supply it to a com-

pany, in which the government should hold a half concern, at fifty livres per quintal, and then oblige the company to sell it at about forty sous a pound, and fix a yearly sum to be paid for the privilege.

Under the circumstances supposed above, and supposing the cost of the manufacturing and sale to be from one to two sous per pound, the consumers would pay about thirty sous beyond the cost, from which, the profit of the company being deducted, and an allowance for all possible contingencies, there would not remain less than twenty sous per pound, which, on a consumption of fifty million pounds, would be no despisable object. It is understood, that the duty and tax would eventually be such as to amount to a prohibition, after which they might be replaced by a prohibition, and no one would complain.

I will not notice here the political advantages, which might be derived from this measure, and how much such a purchaser, living at the seat of government, could facilitate all other things by means of so many commercial houses attached to him, from one end of the continent to the other, some by the freighting and fitting of ships, others by the purchase of tobacco. A thousand such things will present themselves to your comprehensive mind, and it is more fitting that you should conceive, than that I should detail them.

Present, I pray you, to Madame de Marbois, the assurances of my respectful esteem, and believe always in the sincere attachment of yours, &c.

GOUVERNEUR MORRIS.

TO PHILEMON DICKENSON.

Washington, January 10th, 1802.

Dear Sir,

Your favor of the fifth reached me last evening. It is not easy to conjecture what the President's party *will* do, but I

believe they *can* do whatever they please. As a repeal of the internal taxes forms a part of their system, it will probably be effected. Their attack on the Judiciary is already begun.

I think there is no ground of expectation, that the Congress will pay for the French spoliations. I doubt, indeed, whether a claim can be substantiated; for whether it be made by insurers, or insured, it will, when examined, appear that in such cases, taken collectively, general profit liquidates special loss, so that the injury is in effect sustained by the nation, although the weight of it falls, in the first instance, upon mercantile men. I am, &c.

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Washington, February 16th, 1802.

My Dear Friend,

Poor Door-Mans! for so his name ought to be spelled, perhaps, after the history you have given. He had from the beginning an untoward mission, and neither nature, nor education, had given him the art of pleasing, so essential to that trade. You feel the insolence, which, as one of those whom he represented, you have been exposed to. My good friend, the citizens of little Republics must make up their minds to swallow, and their stomachs to digest that bitter potion. Those of more powerful States are sometimes exposed to the same treatment, either by an adverse coincidence of circumstances, or, which is indeed the frequent case, by the fault of their own government. Mr Adams, by sending over a begging commission, placed the United States at the feet of France. The First Consul felt and used the advantage improvidently given to him. Our Commissioners made a bad treaty. Our administration was earnestly desirous to ratify it, and so were all the Jacobins. The Senate, however, made important amendments, and we are now, in effect, upon better ground than if

we had never differed with the great nation. I believe it is a solitary instance; but more of this presently.

I think you were right in selling out of the British funds, and experience shows that you were right in buying in again. Had the affairs of that country been in the hands of able men, your temerity might have cost you dear. But they have made peace, and may the Lord in his mercy sanctify it to them. It was no doubt in the pious reliance on his protecting care, that they signed that ominous treaty, which has reduced them to the rank of a secondary power, and will oblige them, at no distant period, to take up arms again to fight for independence. The ball was at their feet. They had got over all difficulty. Paper money was established, spread through the nation, and depreciated. These were the three great points; everything else followed of course. Had they gone on to borrow this year one hundred millions, three hundred millions the next, then nine hundred, they were masters of everything in the country, and would, (always understanding that their councils should be both wise and vigorous) after three or four years of victorious warfare, come out of the contest without a shilling of debt, and fresh as a bridegroom.

By the time the national debt had amounted to two thousand millions, the pound sterling would have sunk down to about a penny. Then a scale of depreciation would have placed it justly under ten millions of real pounds, and as much above that mark as national generosity might have thought proper. The monied interest would indeed have been ruined by the war, but there would not have been a sucking pig the less in the country. Their mines, their soil, their shops and ships, would still have existed, and been *unincumbered*.

You see their present situation in its true point, but there is a little circumstance, which seems not to have met your notice, and which appears to me of importance. France commands, with sovereign sway, from the mouth of the Este, round to the mouth of the Ems, but there is a space from thence to the mouth of the Eider, or if you please, to the

Baltic, which must some how or other be brought under the same influence. And there is a certain Marquis of Brandenburg, who must henceforth revolve in the orbit, which the First Consul may think proper to prescribe. What negotiations may be carrying on for this effect I know not, but I incline to think you will one of these days have busy work of it.

As to this country, we have indeed a set of madmen in the administration, and they will do many foolish things, but there is a vigorous vegetative principle at the root, which will make our tree flourish, let the winds blow as they may. Some stiff gales we shall certainly have, and if so, I shall be perhaps obliged to keep the deck. My friend, I fear it is my fate to work as long as I live. I had rather not, but we are not masters of our road in travelling towards the grave.

I have built no castle, but a pretty good house at Morrisania, on the foundation of that in which I was born, and in which my parents died. Here I believe my wanderings must end. I have a terrace roof (by the bye I will send you a receipt how to make one) of 130 feet long, to which I go out from a side, or rather back door, and whence I enjoy one of the finest prospects, while breathing the most salubrious air in the world. I am, &c.

GOUVERNEUR MORRIS.

TO ALEXANDER HAMILTON.

Washington, February 22d, 1802.

My Dear Sir,

You must pardon me for telling you I am sorry that you opposed sending a petition to Congress against the repeal of the law of last session for amending the judicial system. It will stop, I suppose, any such petitions, which might have come on from the eastward, and thus leave our enemies to conclude against us from the silence of our friends. Moreover, it will enable your personal enemies to say, that you

wished the repeal to take effect, so as to overturn the constitution, and weak-minded friends may be hurt, that the bar of a State should hold themselves too high to petition the legislature of the union. However, what is done cannot be undone.

Would it not be useful to establish Committees of Correspondence from Baltimore to Boston, of which New York to be centre, as a more favorable position to collect opinions through that tract of country? If a general meeting of the citizens of New York should be convened, it might be for the purpose of 'considering what constitutional measures can be adopted in the present moment to secure the independence of the State, and the national compact of the union, from the dangers with which they are threatened.' At such meeting, it might be useful to appoint a large committee, chiefly of merchants, composed of *moderate men*. You should not appear in all this. They will soon catch an *esprit du corps*. They may report simply resolutions, that the repeal is inexpedient, that a petition be presented to the President, and that a committee be appointed to correspond with other committees.

This corresponding committee, selected from the first, and *appointed by the people*, may consist of the most intelligent and *moderate men*. In a few weeks they will find business for themselves, and for Mr President too. The petition might state first, that the law to be repealed is considered as useful, and tending to the speedy administration of justice. Secondly, that the expense compared with the object, or with the general amount of expenditure, is trifling. Thirdly, that respect forbids the idea, which has been suggested by some, that the principal object of the repeal is to get rid of obnoxious judges; that whatever may be the characters of those, who sit in other circuits, those of the second circuit have deserved the public confidence. Fourthly, that without questioning the powers of Congress, it appears a point of such magnitude, and the result, if the law be unconstitutional, which is the opinion of many cool and discerning men, is fraught with such danger, that the petitioners hope he will

interfere to prevent a decision, and thereby quiet the minds of many real friends to the national government, and the independence of the several States, who view with extreme anxiety the present situation of our affairs. I am, &c.

GOUVERNEUR MORRIS.

TO M. NECKER, BARON COPET.

Translation.

Washington, March 13th, 1802.

Sir,

In the letter, which I had yesterday the honor of addressing to you, I confined myself to the matters, which concern you as an individual. Today, I will comply with your invitation, and indulge in some reflections on the peace, which has just been concluded. It is possible, that circumstances may overthrow reasonings, by altering the premises; for poor mortals are permitted, in point of calculation, only to make a close approximation.

It seems to me, that, by the peace, England has fallen to the rank of a secondary power, and that France has made herself mistress of the destinies of the world. No one can demand of her a reason for placing a hundred thousand men in garrison in the cities of Flanders, and, according to these premises, England, in order to take precautions against an invasion, will be obliged to incur an insupportable expense. She must ruin herself by providing for her defence.

On the part of Germany, all the ports are now open to France. I know of no strong hold, except Magdeburg, between Mayence and the Baltic Sea. I think, then, that I perceive a King of Prussia, who becomes Marquis de Brandenburg. I think, also, that I see the politic pride of Richelieu hovering over the north of Germany, and the black eagle, under the form of a turtledove, concealing himself in the briers. But, says one, moderation is necessary, that the minds of

men may not be roused to insurrections. *Est modus in rebus quels ultra citraque nequit consistere rectum.* It is so. But repeating the maxims of wisdom is not enough; you must also know how to put them in practice, and then *you must be in a situation to make use of this knowledge.*

When we have once started forward in the race, we are not always sufficiently masters of ourselves to stop at the point marked out. When Louis the Fourteenth insulted his neighbors, it is not certain, that he listened to nothing but his own pride. It was necessary for him to *speak French.* And nobody, I think, will long govern that restless nation, *if he does not speak its language.* It seems to me, then, that we must seek elsewhere than in French moderation the decree *de coercendo imperio.* I will not weary you, Sir, by the sad repetition of my *ergos* and *wherefores;* I am persuaded, in short, that the peace will not be of long duration. We shall perhaps see, as at the commencement of the last century, a great alliance. It is possible, too, that a pinch of bad snuff, a cold, 'two inches of miserable steel,' or some other trifle, may cause the fall of an edifice hastily erected.

Thus we return to the point whence we set out. It seems to me, that England might have dictated the terms of peace, if she had been boldly daring. Let me explain myself. Her banknotes, under another name, were nothing more than Assignats. They had fallen twelve or fifteen per cent below bullion; thus the first step was taken, and three years of an expensive war would have paid her debts. *Sat verbum.*

GOUVERNEUR MORRIS.

TO ROBERT R. LIVINGSTON, AT PARIS.

Washington, March 20th, 1802.

Dear Livingston,

Yours of the fourteenth of January reached me yesterday afternoon. I am pleased to find, that your observation has

so speedily and effectually produced that conviction, which my knowledge of your understanding has led me to anticipate. Whoever shall have mixed among men, and seen them *as they are*, will duly appreciate that saying of Solon, which appears to me one of the wisest ever uttered. 'I have given to the Athenians not the best laws, but those most fit for them.' After you have dwelt two or three years in Paris, you will like it better than at your first arrival, but you will be still more strongly convinced of the truth of those things, which have so forcibly seized your attention. The state of the finances results from the indulgence of men, who are necessary in little aberrations from rule. Abuses are more or less necessary in all governments. Those are the best, which require the fewest. Mandiville concluded his fable of the bees,

> 'Then cease your boast, nor vainly strive
> To make a great an honest hive.'

We have here as yet done nothing of importance, except destroying the Constitution by repealing the judiciary law of last session, (you will in due season have the debate on that subject, which has greatly agitated the public mind,) and reducing the military establishment of the United States, at this moment *so propitious to the reduction*. We are moreover going to repeal the internal taxes, because our wise ones think they have *too much revenue*, and that taxes give *too much patronage*. It is contemplated, by the administration, to cobble up some holes they have made by repealing the judiciary.

The Chief seems to me in a wretched plight. He is in the hard necessity of giving offices to the unworthy, and turning good officers out to make room for them. He will soon be completely entangled in the meshes of his own folly. Your appointment is not a favorite thing among them. When the Beau Messenger returned, he said the French thought it very extraordinary, that, to succeed a minister who could not

speak their language, we had sent one who could not *hear* it. This will give what doctors call a symptomatic indication, for though straws and feathers be light things, they show which way the wind blows.

Our administration have received with coldness, and treated with little attention, sundry applications made by Pichon, which ought to have been otherwise received and treated. You will, I think, feel this where you are. In fact, they know not how to govern, and cannot possibly last. They begin already to want confidence in themselves, and as the seeds of division sprout, we shall have them come over to us. The shrewdest will be the first. Burr is trying to place himself well with us, and his measures are not without some success. His friends, the Demos, fear and hate him, and he knows it. He intends making a visit to South Carolina. This will excuse him from any special steps in his own State, and leave him free to take a position according to circumstances.

I have not learnt whether your friends mean to continue active in the support of the administration. I think it is probable that they will, but I doubt whether they will eventually have cause to rejoice at it. For my own part, I wish to get out of this galley, and live for myself. I shall then frequently laugh, where now I must frown. It is, perhaps, well for you, who wish to be engaged in public life, that you are in a position not to take immediate part either way. The only danger is, that your interest should be compromised by the zeal of your friends.

You seem to think, that if a certain treaty were in existence, it would have a salutary effect; but I think you will in due time discover, that treaties are frailer things, than you have hitherto esteemed them. Good fleets and armies, directed by prudent and vigorous councils, are the treaties to be relied on. 'The rest is all but leather or prunella.' I am, &c.

GOUVERNEUR MORRIS.

M. NECKER TO GOUVERNEUR MORRIS.

Translation.

Copet, June 15th, 1802.

Sir,

I agree with you in regard to the peace, which England has signed. Why make so many efforts, so many sacrifices during war, if they are willing to sell their conquests so cheap? The English Ministry can offer no excuse, but by reproaching the opposition with having excited the minds of the people against the war, and with having taken advantage of the high price of provisions, to stir them up in a manner dangerous to internal repose. For, if fear of an invasion had determined the English Ministry to hasten the signing of the preliminaries, what will be their condition, when France has had time to increase her navy? It is chiefly remarkable, that England should have stripped herself of all power in the Mediterranean, by giving up Malta, Minorca, Alexandria, and by still further consenting, that France should keep possession of the island of Elba. It seems to me the Turk is already making advances to a reconciliation with France, and I doubt not the French will one day enter Egypt. Peace between the two great maritime powers cannot be of long duration.

The possession of Louisiana by France may, also, be one day an active cause of revolution in America.

They are intending, it is said, to change the French Constitution, but it will be the work of Bonaparte. I do not understand how a succession can be established without a nobility, and of this there are no longer even the elements in France.

'She must ruin, in order to defend, herself.' These words which you apply to England are perfectly true. I am, &c.

NECKER.

TO THE PRINCESS DE LA TOUR ET TAXIS.

Morrisania, June 20th, 1802.

I send you, charming Princess, a copy of some debates in our American Senate, because knowing, as you do, what passes everywhere else, you may perhaps wish to see what we are doing in this little corner of the universe.

Like those, who play more important parts, we sit on the chariot wheel of time, and wonder at the dust, attributing it with delectable self-complacency to our special efforts. Do not from this debate imagine, that we are on the brink of civil war, or even agitated by violent commotions. On the contrary, no Republic was ever more quiet. This you will say gives no great assurances of tranquillity, and I acknowledge the justice of your remark. Freedom and tranquillity are seldom companions.

He, therefore, who wishes to glide through life on a smooth surface, should seek the capital of some large Monarchy, where an individual is of too little importance to occupy the attention of that government, by whose power he is protected, and by whose laws he is secured. The result of this mild state of being is mildness of manners, but it occasions also a want of energy. Thus, there is compensation everywhere and in everything. To be happy we must learn to be content with our lot where it is cast, and our condition whatever it may be. In studying this lesson, I shall never forget that I once enjoyed the charms of your conversation, lovely Princess, and while I remember the sweets of your society, I will endeavor not to regret.

It is not permitted to listen to my wishes, and make you a visit, but considering the changes and chances of human life, it seems not impossible to see you again, and again assure you of the respectful attachment with which I am ever yours,

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Morrisania, June 20th, 1802.

My Dear Friend,

You will see, that the French General Le Clerc has by treaty, if not by force, recovered St Domingo. This conquest will cost much money, and many lives, for they die of the yellow fever more than ever was known. When our last advices came away, four of their Generals had already terminated in that way the career of their glory.

They have long entertained the project of establishing themselves in our neighborhood at New Orleans. This I consider as the worst policy they could adopt, for they are much deceived if they suppose, that their commanders in that quarter will avoid creating enmity with our backwoods men. The hauteur of a French General, and the rudeness of an American jockey, will not comport together. Notwithstanding the dreams of wealth and greatness, from the possession of Louisiana, it is a fact, that the West India Islands must belong to our friends, and that Louisiana must belong to us. The next general war, therefore, will find us arrayed among the foes of France, if this project be persisted in. A war will, by that time, be necessary to us, for without it we shall become mere speculators, and drivelling philosophers. But ten years of severe hostility would bring forth a race of heroes and statesmen, and it is with such timber that we build empires.

The spirit of Jacobinism begins to flag, notwithstanding every effort to keep it alive. There is in this country a natural damper to that spirit, which is always most vigorous among the indigent. With us, the industrious poor soon become rich, the idle and debauched soon perish. Jacobinism, therefore, is like the rickets in children; the strong grow out of it, and the weak perish. What will surprise you is, that a large part, if not a majority of our Democrats, detest the French, and we of

sober mind shall find some difficulty in keeping them from the same follies towards France, which they formerly exhibited respecting Great Britain. I am, &c.

GOUVERNEUR MORRIS.

TO ROBERT R. LIVINGSTON.

Morrisania, August 21st, 1802.

Dear Livingston,

This letter will be delivered to you safely, and I shall not therefore use a cypher. M. d'Orleans, the bearer, is a man of merit, formerly an officer of rank in the royal Marine. I will ask him to take charge of two copies of our debates in the Senate on the judiciary system. Send one of them, with my compliments, to M. de Talleyrand, who may perhaps recollect that we were once acquainted.

If you read the newspapers, as I suppose you do, you will have observed that the Vice President is violently attacked by certain violent partizans, now devoted to Mr Jefferson, and that this latter gentleman has outlived his popularity. Without entering into unpleasant questions, it is sufficient to say, that his administration is too weak to prosper. His attack on the judiciary was rash and splenetic, and you will, I think, be surprised to learn, that they calculated on an easy victory. Of course, when the contest was engaged in, they were astounded. The result has been important. There was a moment, when the Vice President might have arrested the measure by his vote, and that vote would, I believe, have made him President at the next election; but there is a tide in the affairs of men, which he suffered to go by. That debate gave us such conviction of our force, as to render the fear of any defection quite visionary. We did not, indeed, apprehend any, notwithstanding the means, which may be derived from executive patronage, in a government like that of the United States. I do not think they could have been used to

effect, but we certainly are now invulnerable. Indeed, some officers have resigned, because they felt a kind of dishonor in remaining as exceptions to the proscription.

The schism among your political friends is, I believe, but beginning. No man knows better than you do, how little of cordiality there is, and ever must be, among the discordant materials of which your party is composed. You cannot, therefore, be surprised at an explosion. The employment of, and confidence in, adventurers from abroad, will sooner or later rouse the pride and indignation of this country. In the mean time, I think you must feel where you are, that an administration, which is not supported by the first characters at home, will not preserve, much less command, the respect of foreign powers.

I intended to have written you a chapter about Louisiana; but I am interrupted, and must, therefore, defer it to another opportunity. I am, &c.

GOUVERNEUR MORRIS.

TO ROBERT R. LIVINGSTON.

Morrisania, October 10th, 1802.

Dear Sir,

It is unnecessary to say, because you well know, that I accord with you in your ideas of men and things on your side of the water. I wish you at the same time to remember, that those, who dwell on this side of the water, are men also.

The French government cannot, I think, respect either the government or people of the United States. What is it that renders a nation respectable? Power, courage, wisdom. Put out of view, for a moment, both France and America, and suppose yourself in the administration of Austria. What would be your estimation of the Turks? Of the Russians? Of Prussia? You would not, I think, inquire whether in those countries they have a *habeas corpus act*, a trial by jury, or a

House of Representatives, &c. &c. You would seek information, as to their fleets, their armies, and above all, the talents of those who are at the head of affairs. Now suppose for a moment, that a European statesman, (Monsieur Leuchesini, for instance) should make inquiries of you respecting such things in this country. Would your answers impress his mind with anything like respect?

I hope, as you do, that we may long continue free; but this hope involves the double idea of continuance and freedom. The duration of a government is perhaps the first consideration; for be it ever so good in other respects, if its texture be too frail to endure, it can be of but little value. Now it appears to me, that the duration of our government must, humanly speaking, depend on the influence which property shall acquire; for it is not to be expected, that men, who have nothing to lose, will feel so well disposed to support existing establishments, as those who have a great interest at stake. The strongest aristocratic feature in our political organization is that, which democrats are most attached to, the right of universal suffrage. This takes from men of moderate fortune their proper weight; and will, in process of time, give undue influence to those of great wealth.

I know that this effect has not yet been produced, and I know the reasons why; but a different state of things seems to be approaching, and slight circumstances will perhaps decide, whether we are to pass through a course of revolutions to military despotism, or whether our government is to be wound up, by constitutional means, to a tone sufficiently vigorous for the conduct of national concerns. Much will depend on the union of talents and property. There is a considerable mass of genius and courage, with much industrious cunning, now at work to overturn our Constitution. If these be not met by a phalanx of property under the guidance of our ablest men, I think there will be a scuffle, and that, in the course of it, many large estates will be put into the melting pot.

The engine by which a giddy populace can be most easily wrought on to do mischief, is their hatred of the rich. If any

one of these supposes he can climb into power by civil commotions, he will find himself mistaken. It seems, however, probable, that the property in this country will continue to be divided on political questions, and if so, we may expect mischief. If you read our gazettes, they will show you the condition of parties in this State. The Clintonian faction will, I believe, preponderate, and their powerful adherents will be flattered, if not respected, until the Burrites shall be disposed of. When you return, you will be able to give many of your friends good advice ; but whether you can give them so much of your experience, as may induce them to follow that advice, is not so certain. You will all, I believe, discover some time or other, that, in leaving the mother church of Federalism, you have brought yourselves into reprobation. I hope you will not have occasion to say with the poet, *facilis est descensus*, &c.

This letter will be delivered to you by a very worthy priest, who is returning to the care of souls in his parish, blessing God that he has redeemed his chosen seed by the hands of his servant Napoleon. M. Joulin will tell you all he knows about us. Pray remember me to those about you, and believe me, &c.

GOUVERNEUR MORRIS.

TO THE PRESIDENT OF THE SENATE, AND SPEAKER OF THE ASSEMBLY OF NEW YORK.

(One copy to each.)

Washington, December 25th, 1802.

Sir,

On the twenty-fourth of February last I communicated to the Senate of the United States the resolutions, which you did me the honor to transmit. On the third of May a resolution was brought up from the House of Representatives, embracing the latter part of that, which the State of New York had

proposed, viz. that in all future elections of President and Vice President, the persons voted for should be particularly designated, by declaring which is voted for as President, and which as Vice President. On the question, my vote was in the negative ; and had it been otherwise, the resolution would have passed.

Having thus stated the facts, it may not be improper to trouble you with some of the reasons, which governed my decision.

First, I am opposed to amendments, on the general ground that changing the articles of a constitutional compact lessens that respect for it, which is a main support of free governments.

Secondly, I am opposed, because it is, generally speaking, better to bear an evil, which we know, than hazard those which we are unacquainted with.

Thirdly, I am opposed, because the present mode seems preferable to that which is proposed.

When this article was under consideration in the National Convention it was observed, that every mode of electing the chief magistrate of a powerful nation hitherto adopted is liable to objection. The instances where violence has been used, and murders committed, are numerous ; those, in which artifice and fraud have succeeded against the general wish and will, are innumerable. And hence it was inferred, that the mode least favorable to intrigue and corruption, that in which the unbiassed voice of the people will be most attended to, and that which is least likely to terminate in violence and usurpation, ought to be adopted. To impress conviction on this subject, the case of Poland was not unaptly cited. Great and ambitious Princes took part in the election of a Polish King. Money, threats, and force were employed; violence, bloodshed, and oppression ensued; and now that country is parcelled out among the neighboring Potentates, one of whom was but a petty Prince two centuries ago.

The evils, which have been felt in the present mode of election, were pointed out to the Convention; but, after due advisement, the other mode appeared more exceptionable.

Indeed, if the present be changed, it might be better to abolish the office of Vice President, and leave to legislative provision the case of a vacancy in the seat of the first magistrate.

The Convention was aware, that every species of trick and contrivance would be practised by the ambitious and unprincipled. It was, therefore, conceived, that if in elections the President and Vice President were distinctly designated, there would generally be a vote given for one of only two rival Presidents, while there would be numerous candidates for the other office; because he, who wished to become President, would naturally connect himself with some popular man of each particular district, for the sake of his local influence, so that the Vice Presidency would be but as a bait to catch state gudgeons. The person chosen would have only a partial vote, be perhaps unknown to the greater part of the community, and probably unfit for those duties, which the death of a President might call on him to perform.

The Convention not only foresaw, that a scene might take place similar to that of the last presidential election, but even supposed it not impossible, that at some time or other a person admirably fitted for the office of President might have an equal vote with one totally unqualified, and that, by the predominance of faction in the House of Representatives, the latter might be preferred. This, which is the greatest supposable evil of the present mode, was calmly examined, and it appeared that, however prejudicial it might be at the present moment, a useful lesson would result from it for the future, to teach contending parties the importance of giving both votes to men fit for the first office.

This, Sir, is one great object contemplated by the Constitution. Whether it could be obtained by altering the mode of election deserves a serious attention. The other great object is to defeat the fraud, the force, the corruption, which may be used to place bad men in high authority.

After the most mature reflection of which my mind is capable, I am persuaded that the present mode is preferable to

that, which is proposed in lieu of it, and my voice has been given according to my conviction. I have the honor to be, &c.

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Washington, January 14th, 1803.

My Dear Friend,

I note what you say on the chapter of French exactions, and your retort on the score of national humiliation, which is a good hit. In truth there is just now so much of what we call philosophy among our rulers, that we must not be surprised at the charge of pusillanimity. And our people have so much mercantile spirit, that, if other nations will keep their hands out of our pockets, it is not a trifling insult that will rouse us. Indeed, it is the fashion to say, that when injured it is more honorable to wait in patience the uncertain issue of negotiation, than promptly to do ourselves right by an act of hostility.

These sentiments you will say are novel; but would you deny the use of new principles to a new world, and govern new States by old maxims? The converse of the proposition, viz. governing old States by new maxims, has been tried in France, and the result does not encourage to further experiment. I take it for granted, therefore, that Bonaparte will not follow the example of our President. Indeed he seems in all things to take an opposite course, and yet contrives to succeed in his undertakings. But the children of this world, that is, your old world, are wiser in their generation than the children of light, or, which is tantamount, the enlightened children of our new world. It is the fashion with those discontented creatures, called Federalists, to say, that our President is not a christian; yet they must acknowledge, that, in true christian meekness, when smitten on one cheek he

turns the other, and, by his late appointment of Monroe, has taken special care that a stone, which the builders rejected, should become the first of the corner. These are his *works*; and for his *faith*, it is not as a grain of mustard, but the full size of a pumpkin, so that while men of mustard seed faith can only move mountains, he finds no difficulty in swallowing them. He believes, for instance, in the perfectability of man, the wisdom of mobs, and moderation of Jacobins. He believes in payment of debts by diminution of revenue, in defence of territory by reduction of armies, and in vindication of rights by the appointment of Ambassadors.

You seem to think, that Britain had not exceeded the point to which paper systems may be safely carried; but, my good friend, the depreciation of her bank notes is full evidence to the contrary, and although it be true, that, pushed to an extreme, it must ruin all monied men, it remains equally true, that the national powers are not affected by it one way or the other. They can be more completely called into action by the excess of a paper system, than in any other mode, and therefore, when the national independence is at stake, a vigorous administration, preferring the smaller evil, will ruin the monied interest to save the rest. When I say these things, I do not mean to recommend rash measures, but I submit to the consideration of a friend, deeply interested, a view of possible and perhaps probable events.

What you say of the Dutch loan comes fully in support of the warnings, which I meant to convey. In Holland before the war they borrowed, I believe, at two per cent, and now they have given eleven. If any man had offered the Dutchmen such interest ten years ago, they would have told him, that no borrower could pay who made such contracts. It is, however, a difficult thing to say what is the amount which a nation can pay. The English say, that every new loan provides in some degree a fund for itself, because it increases the taxes on consumption by increasing the consumption. Now this idea fairly analyzed amounts at last to depreciation. If you will look back, not to the history of modern Europe, but

merely to the state of things in your early life, you will find, that what was then a great money estate is a moderate one now, but that a landed estate is better than ever it was. It affords to the owner more of the comforts and luxuries of life. What does this prove, but the depreciation of money; and the only remaining question is on the rapidity of that same depreciation. In truth, I consider the peace lately patched up with France, as of very short duration. When the war breaks out, I see no means by which England can support it, without a heavy loss on her paper money, and therefore since you do not like Bohemia, and Bavaria, and since America is too far distant, I advise you to purchase lands in Britain. If, still adhering to ancient habits, you must have an income derived from money, bring it into your Port Folio, and make your investments when the scuffle is over.

I cannot compare my prospect of the Sound with yours of the Elbe. Things of this sort are rarely so much alike, as to admit of a comparison; and after all, a preference must depend as much on those who see, as on the things seen. Moreover, I am not an impartial judge. I would trust the matter to your decision, if you could spend the summer with me, as your old correspondent Robert Morris did the last. He came to me lean, low spirited, and as poor as a commission of bankruptcy can make a man, whose effects will, it is said, not pay a shilling on the pound. Indeed the assignees will not take the trouble of looking after them. I sent him home fat, sleek, in good spirits, and possessed of the means of living comfortably the rest of his days. So much for the air of Morissania.

The Baron de Breteuil and Bonaparte are two characters nearly opposite to each other. The Baron, after a life of intrigue, has reduced himself to a state of dependence, and the other has raised himself, as it were in a moment, to the top of the world. I had seen an account of Voght's dignity, on which I heartily congratulate him. That of Miners I had not heard of, but I think he will do well in his new station, for

he is not deficient in talents, and he has a great share of discretion.

Many thanks to you and to Mrs Parish for your kind invitation. I am, I think, fairly anchored on this side the Atlantic, and, therefore, I can visit you only in the spirit, with my greetings and good wishes. If, as you suppose, the city of Hamburg should continue free, and no convulsion shake the throne of Denmark, your position will continue to be pleasant, and as happy as consists with the lot of humanity. I fervently wish, therefore, that you may be right in your conjectures; but the neighborhood of a rapacious Prince, at the head of two hundred and fifty thousand men, is not a good neighborhood. Make my affectionate respects to your good lady, and believe me, &c.

GOUVERNEUR MORRIS.

TO ROBERT R. LIVINGSTON, PARIS.

Morrisania, April 23d, 1803.

Dear Sir,

I did not write to you by Mr Monroe, because he and I are not on such terms of intimacy, as to ask his care of a letter, because I did not choose to put one in his care, and because I wished you to judge of things, without any bias from comments on my part. .Before this arrives you will have made your own interpretations. You will have seen, too, that your brethren of the *Corps Diplomatique* consider Mr Monroe as the efficient and confidential man.

Not being in the confidence of our Cabinet, I cannot account for a conduct, which, in every point of view, is so strange. Setting aside the sacrifices you have made to promote the cause, which brought them into power, I cannot help thinking, that your rank in society, the high offices you have held, and, let me add, the respectable talents with which God has blessed you, all required more delicacy on the part of your political

friends, than has on this occasion been exhibited. It is possible, that I am unjust to Mr Monroe, but really I consider him as a person of mediocrity in every respect. Just exceptions lie against his diplomatic character, and, taking all circumstances into consideration, his appointment must appear extraordinary to the Cabinets of Europe. It is itself a most unwary step, and will lower our government in public estimation. I was, therefore, just so much the more vexed at it on your account. I trust it will not be pretended, that the application of money could not be as safely entrusted to your care and intelligence, as to those of Mr Monroe. The pretext, that he is only joined with you in the commission, is mere pretext, and every discreet man with you will naturally consider him as the principal, the chief, and in fact the sole Minister. It will, therefore, excite much speculation. I shall say nothing on the measure in its other aspects, because you will find my opinions pretty much at large in the pamphlet which is enclosed.

I shall say nothing on the public opinion in this country, because you will, I think, perceive the bent of it from our gazettes, and because my view may be a partial one. This appears to me certain, that if Democracy, that disease of which all Republics have perished, except those which have been overturned by foreign force, should increase among us, we cannot expect a long period of domestic repose. But a thousand and ten thousand things happen in the world, which the wisest man could never have conjectured. I am, &c.

GOUVERNEUR MORRIS.

TO JOHN DICKENSON.

Morrisania, May 23d, 1803.

My Dear Sir,

I received with great pleasure your kind favor of the seventeenth, and was particularly charmed with its classic elegance of style. It is a treat to me, which I seldom meet with.

Your recommendation of your nephew will command my pointed attention, when circumstances will permit, and till then I shall bear it in mind.

As to my line of life, it must ever depend on events, because it will always be governed by principles adopted long since. It was my early determination never to seek office, and to accept of none but with a view to the public service. After spending the prime of life in labors for the public, I thought myself justifiable in preferring private ease to public cares, but yet, having accepted the place of Senator, I would not have resigned it at least in a moment of difficulty. My political enemies have had the goodness to relieve me; and although, from their motives, I cannot be thankful, yet I must be permitted to rejoice in the event. It is to them I am indebted for the permission *ducere solicitæ jucunda oblivia vitæ.*

In adopting a republican form of government, I not only took it as a man does his wife, for better for worse, but what few men do with their wives, I took it knowing all its bad qualities. Neither ingratitude, therefore, nor slander can disappoint expectation nor excite surprise. If, in arduous circumstances, the voice of my country should call for my services, and I have the well-founded belief, that they can be useful, they shall certainly be rendered; but I hope that no such circumstances will arise, and, in the mean time, 'pleas'd let me trifle life away.'

You shall have enclosed one of the *nugæ canoræ*, with which I sometimes amuse the *inertiæ hora.* It is from a fabulist, one of the German classics. They have but lately quitted the toils of pedantry for the pursuit of polite literature, and have given more of grace and melody to their language, than it was supposed to be susceptible of. I am, &c.

GOUVERNEUR MORRIS.

M. NECKER TO GOUVERNEUR MORRIS.

Translation.

Geneva, September 21st, 1803.

Sir,

I give you many thanks for affording me an opportunity of reading your speech to the Senate of the United States. It was a course of instruction to me, and I admired at the same time the vigor of your thoughts, and the wisdom of your reasoning. Here then we have this business concluded, in a manner wholly unlooked for. This buying and selling of sovereignty is a strange sort of stockjobbing. It is a new idea. At a future day, to advance still farther upon this plan, they will take back what has been sold, and dispose of it anew.

Will not this acquisition of Louisiana diminish the number of purchasers of your northern lands? Give me your opinion, when you do me the honor to write again.

The European public was utterly ignorant, that the treaty of purchase made by France with Spain had not been communicated to the American government. Your observations on this point are perfectly just. You are skilled too in the art of pleasantry, unsurpassed by Mr Sheridan himself.

I transmit to you herewith the copy of my last letter. In replying to M. Leray, I requested him to decide with you upon a plan for the land, which I bought of him. You see, Sir, that I still rely upon your complaisance, and am as desirous as others to have the benefit of your knowledge and talents.

I have the honor of renewing my assurances of inviolable attachment.

NECKER.

TO JONATHAN DAYTON, SENATOR IN CONGRESS.

Albany, November 9th, 1803.

Dear Sir,

The ratification of the treaty, and the subsequent acts for carrying it into effect, appear proper. For, admitting that Louisiana could have been obtained for less money, which remains to be proved, good faith requires that acts of this sort should be ratified. The President is the organ by which the public will is pronounced, in transactions with foreign powers, and duty to ourselves requires that he be not disavowed, unless for reasons of the highest import.

I am content to pay my share of fifteen millions, to deprive foreigners of all pretext for entering our interior country. If nothing else were gained by the treaty, that alone would satisfy me; and if after all, the contract be onerous, it is with the people to determine, whether, the whole of his administration considered, they approve of their President's conduct.

Having said so much, it is proper to add, that I will neither censure nor complain of my friends, who hold different opinions. They have, I presume, a knowledge of facts, which I am not possessed of, or reasons which have not suggested themselves to my consideration. I am, &c.

GOUVERNEUR MORRIS.

TO ROGER GRISWOLD.

Morrisania, November 25th, 1803.

Dear Sir,

Pardon me for troubling you with the extract of a letter written on the ninth instant to General Dayton, and for praying your attention to the subject. The mischiefs are great, the sufferers numerous, and the resulting clamor is turned with potent effect against those by whom the tax law was framed.

I am not sorry that the Louisiana treaty was ratified, and provision made agreeably to the President's wish. These things will work well. The Democrats have, as I expected, done more to strengthen the executive than Federalists dared think of, even in Washington's day. They were wrong in rejecting your resolution to ask information, and I hope that precedent will not be followed. In their other measures, they have done well enough, and as to the little squeeze they gave the Constitution, it is after the repeal of the judiciary merely to imitate a Dublin mob, and stab their expiring victim.

Our friends in the Senate had no doubt good reasons for voting against the ratification of the treaty. I should like to see a few of them assigned, in a plain and simple way, and somewhat authoritative. Among them I suppose the Spanish protest would appear, and perhaps the want of due provision against French grants. To blame the amount of the consideration paid might be imprudent; for there are many reasons why Federalists should not use the little pretexts of economy, which their opponents so much vaunted formerly, and so much despise now. When the people have been long enough drunk, they will get sober; but while the frolic lasts, to reason with them is useless. Their present leaders take advantage of their besotted condition, and tie their hands and feet; but if this prevents them from running into the fire, why should we, who are their friends, complain?

It seems to me, but I speak under correction and with perfect reliance on the judgment and information of my friends, that it might be advisable to leave the arena free for Democrats to squabble in, at the next election of President. It is probable that one of these two things would happen, either they will divide with mortal hatred, and according to the old proverb, *when knaves quarrel honest men come by their own*, or else they will unite in their present chief. Should this happen, the confidence inspired, by such appearance of universal approbation, might take from his vanity the snaffle which it now prances under, and give you more mammoth expectations, more dry docks, and more salt mountains.

A thousand pardons, my dear Sir, for this liberty. I meant to have written only the first paragraph, but my pen has run on imperceptibly, and unless it be stopped, may lead us still farther. Adieu.

GOUVERNEUR MORRIS.

TO HENRY W. LIVINGSTON.

Morrisania, November 25th, 1803.

Dear Sir,

I received your favor of the third, on my return a few days since from a long tour to the northward. It is not possible for me to recollect with precision all that passed in the Convention, while we were framing the Constitution; and if I could, it is most probable, that a meaning may have been conceived from incidental expressions, different from that which they were intended to convey, and very different from the fixed opinions of the speaker. This happens daily.

I am very certain that I had it not in contemplation to insert a decree *de coercendo imperio* in the Constitution of America. Without examining whether a limitation of territory be or be not essential to the preservation of republican government, I am certain that the country between the Mississippi and the Atlantic exceeds by far the limits, which prudence would assign, if in effect any limitation be required. Another reason of equal weight must have prevented me from thinking of such a clause. I knew as well then, as I do now, that all North America must at length be annexed to us. Happy, indeed, if the lust of dominion stop there. It would, therefore, have been perfectly Utopian to oppose a paper restriction to the violence of popular sentiment in a popular government.

Already the thing has happened, which I feared. The Judges not being, as in New York, an integral branch of the Legislature, the Judiciary has been overthrown. The Constitution is, therefore, in my opinion gone. The complete

sovereignty of America is substantially in the House of Representatives. The Senate forms no check, because (hopeful theories notwithstanding) they are, like the other branch, Representatives of a prevailing faction *de facto* and of the States *de jure* only. Now, as in political affairs fact supersedes right, the Senate will not, generally speaking, have even the wish to oppose the House of Representatives. The States will by degrees sink more and more into insignificance, because the little talents, which faction possesses, will be shoved into the general government.

Moreover, the State Legislatures, being under the immediate view of their constituents, will find the truth of the old adage, 'too much familiarity breeds contempt.' A body composed as yours is can never exercise the vast power it possesses, but on factious principles. To suppose each member capable of understanding the business of a great nation is ridiculous. Votes, therefore, must be given for reasons different from those assigned on the floor. A majority will decide, not according to conviction, but by the dictates of confidence. Now confidence is founded on faith, and faith, as you know, is the evidence of things not seen.

You may, from what I have said, be perhaps inclined to set me down as a croaker, but in this you would be deceived. There is always a counter current in human affairs, which opposes alike both good and evil. Thus the good we hope is seldom obtained, and the evil we fear is rarely realized. The leaders of faction must, for their own sakes, avoid errors of enormous magnitude; so that, while the Republican form lasts, we shall be tolerably well governed. And when we are fairly afloat again on the *tempestuous sea of liberty*, our Cromwell, or Bonaparte, must so far comply with national habits, as to give us an independent Judiciary, and something like a popular representation. Like the forked, featherless bipeds, which have preceded them, our posterity will be shaken into the political form, which shall be most suitable to their physical and moral state. They will be born, procreate, and die, like

the rest of creation, while here and there some accomplished scoundrels, *rare nantes in gurgite vasto*, will give their names to the periods of history.

It is time, as you see, to put a period to this letter. Adieu.

GOUVERNEUR MORRIS.

TO ROBERT R. LIVINGSTON, PARIS.

Morrisania, November 28th, 1803.

My Dear Sir,

Returning from a three months' tour to the northward, commenced immediately after a tour to the eastward, I found yours of the twentieth of July, with an original and duplicate of the twenty-third of April. I should have made an earlier reply to these letters, but since my arrival my time has been cut to pieces. Let me now express my thanks, and convey to you the assurances that your communications are safe. I wish some of your other friends were equally prudent; and especially those, who published a memoir, said to have been delivered by you to the First Consul.

I like well your treaty, and have declared to my friends, some of whom are not pleased with the declaration, that it is in my opinion one of the best we have made, not only for the main business, but also for the formal and incidental matter. Our party, though with numerous exceptions, opposed it, not merely because they are the opposition. Our eastern friends would have liked it well, but for two things. It costs money, the greater part of which we to the northward must pay; and it gains territory, which will, in their apprehension, by giving strength to the southern representations, diminish the eastern influence in our councils. They dislike it, also, because it has strengthened an administration, which they abhor.

To tell you an important truth, my friend, you have saved that administration, who, in return, will never forgive you for performing, without orders and without powers, such great

public service. Your conduct is a satire on theirs, for you have gained what they did not dare to ask. Had the bargain been disagreeable to those States, by whom the President expects to be re-chosen at the next election, you might have been disavowed, but it secures the western States, quiets the southern, and is consequently popular.

It would have been generous and manly in the President to have told Congress, that his Minister in France, forming a just estimation of that extensive country, had, before the arrival of his colleague with powers and instructions, in a manner highly honorable to himself prepared the way, and seized the favorable moment to conclude an important negotiation, in consequence of which they had in a few days not only realized his expectations, but exceeded his hopes. You have seen the communication actually made. When it was read in my presence, I was obliged to bite my tongue pretty hard to prevent it from telling the true state of that important transaction. It seems, however, to be pretty well understood, though I have been silent, not thinking myself authorized to embroil you with the chiefs of your own party, whatever may be my opinion of your true interest. If I am rightly informed, offence is taken. Vanity has certainly been wounded, because confidants must know the facts, and vanity is the leading trait of a certain character. You will learn from your friends here, how *they* stand at head quarters, and whether your services have strengthened *their* interest.

It seems to be a prevailing opinion, that the Clinton party have exclusively the ear of our President as to what regards this State, and it is presumed, that his arrangements are taken with them for the next election. You tell me you will be out next spring; but will you have permission to return? Unless my observation has deceived me, it will, if granted at all, be granted with reluctance.

I agree with you in the opinion, that the late negotiation was conducted miserably on the part of Britain. But mark how the affairs of this world run. The King's Ministers, hav-

ing bungled themselves into a miserable peace, bungled themselves out of it into an expensive war, and have thereby roused the national spirit depressed before; and now it is well within the circle of probabilities, that events, to which they are but solemn witnesses, may get them gloriously through the contest, and place their country foremost in the rank of nations.

Britain, by continuing the war, may break the power of France; for, even if the First Consul get over with fifty thousand men, his condition will be perilous. While hemmed up in Britain, his affairs on the continent may run wild. If he be successful, the greater powers of Europe may perceive, that they must immediately attack France to secure their own independence, and if he be unsuccessful, they may fall on in general concert to share his spoils. If he fail in his attempt to land, it must cost some of his best troops, and this, to a nation as hasty as the French, may be the signal for revolt among those who remain. If he declines the attempt to invade England, his reputation, which, to men in his situation is everything, will be materially injured. As to the conquest of ten millions of men, determined to maintain their freedom and independence, it is quite out of the question, if they be but tolerably managed.

These, you will say, are my dreams, and when it is considered, that, before they reach you, events will have determined their truth, I must acknowledge it would be more prudent to suppress, than to communicate them; but I never consult prudence when I write to you. Adieu.

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Morrisania, November 29th, 1803.

My Dear Friend,

I have often told you, that, with respect to this country, calculation outruns fancy, and still fact goes beyond calcula-

tion. I sent you some debates, in which I had endeavored to show from clear deduction from admitted principles, that our revenue ought to be estimated at not more than ten millions. It exceeds eleven, and from the Secretary's report it would seem, that after throwing away more than a million of revenue, and taking up an additional million of expenditure, for the interest of what we pay to Britain for Virginia debts, and to France for Louisiana, exceeds that amount, still our income is equal to our wants.

You tell me of the dissipation of Hamburg during the last winter. I fear, that the present will furnish but little matter for jovial thought or wanton joy. But why should I persist in playing the odious part of Cassandra? I will abstain from predictions, till something fair shall present itself to my reflection. As to the luxuries of Alexander, I have no objection to them. Let him enjoy, till 'mid the roses fierce repentance rears her snaky crest.' These people, who are seated on thrones, seem either to have forgotten, or never to have learnt, that Kingship is a busy trade. Unless they look to it betimes, and sharply, they will have to con harsh lessons in the school of adversity.

In yours of the twenty-third you ask for some of my speeches, and in mine of the same date I sent you one, which made some noise here. I presume that you have received it, as I sent duplicates. But I sent also duplicates of what I wrote on the twentieth of June, 1802, and it would seem that you had never received either copy. I trust, however, that one of them must have reached you long since, and shall not therefore at present make a triplicate. If you have received that letter, you will have been struck with this sentence in it. 'Notwithstanding the dreams of wealth and greatness from the possession of Louisiana, it is a fact, that the West India Islands must belong to our friends, and that Louisiana must belong to us.' You will learn hereafter, that while you were writing to me about that country last April, a fortnight had elapsed since the cession of it to the United States had been resolved on in the Cabinet of Versailles.

This resolution was grounded of course on the conviction, that war would take place, as it has done, between France and England. You tell me, that you already began to tremble for the trade of your place, but could see no evident prospect of advantage, while the mischief was incalculable. In my letter of the fourteenth of January, then before you, I had said, 'I consider the peace lately patched up with France as of very short duration.' I did not trouble you with my reasons, because many of them would, I took it for granted, suggest themselves to your mind. The peace of Amiens was, in my opinion, the most wretched blunder ever committed by men, having the smallest pretence to common sense. It placed Britain in the necessity of recommencing the war to preserve her independence. It gave to France a certainty, if it was preserved, of ruining her rival in no distant period. It tended in its consequences completely to subvert, or, if you please, to complete the subversion of the liberties of Europe. Now, although it was not given to Messrs Addington and Company to *fore*see, it was presumable that when events should arise they would be able to *see*, and even should their visual faculties be obtuse, I had no doubt that they would be made to feel the condition of their country. The cause of the war, then, is to be sought in the treaty of peace. Indeed I stated to you that result in my letter of February, 1802, to which I now refer, instead of taking up your time with observations, which might now be called *after-wit*, seeing that there is no difficulty in showing some reason or other for what has actually happened.

Your port will, I suppose, be blockaded by the British fleet, till it shall be barred by the bolts and chains of nature. Before this reaches your hands, you will know the result of the Frst Consul's invasion. My opinion is, that if Britain continues the war properly, she will break to pieces the power of her adversary. What a moment for a great man to step into the place of Mr Addington! But when I look at the course of events I am led to believe, that little men may succeed,

where great men might fail, and thus folding my arms submit serenely to the will of Heaven. I am, &c.

GOUVERNEUR MORRIS.

TO HENRY W. LIVINGSTON.

Morrisania, December 4th, 1803.

Dear Sir,

A circumstance, which turned up in conversation yesterday, has led me again to read over your letter of the third of November, and my answer of the twenty-eighth. I perceive now, that I mistook the drift of your inquiry, which is substantially whether the Congress can admit, as a new State, territory, which did not belong to the United States when the Constitution was made. In my opinion they cannot.

I always thought that, when we should acquire Canada and Louisiana it would be proper to govern them as provinces, and allow them no voice in our councils. In wording the third section of the fourth article, I went as far as circumstances would permit to establish the exclusion. Candor obliges me to add my belief, that, had it been more pointedly expressed, a strong opposition would have been made. I am, &c.

GOUVERNEUR MORRIS.

TO LEWIS R. MORRIS, SPRINGFIELD, VERMONT.

Morrisania, December 10th, 1803.

My Dear Sir,

Yours of the thirtieth of November reached me last evening. I am so much occupied, that I must steal time to make a hasty reply.

If I were to defend the Constitution against the present attack in *Vermont*, under the circumstances which you mention, I think I should make some general observations on the

danger of frequent change in an instrument of that sort. These must lessen the reverence for it, essential to that prompt compliance with its injunctions, without which we cannot enjoy a mild and free government.

I should then proceed to state, that if changes are at any time necessary, they should not take place till after mature examination, lest we should not foresee mischiefs resulting from them, which may exceed those it is intended to remedy.

That we ought most particularly to be cautious not to make any change, when our minds are heated by the provocation of a particular circumstance, because the suffering of the moment always appears greater than it really is, while remote evils appear smaller than they ought.

That the Constitution was a compact, not between solitary individuals, but between political societies, the people not of America but of the United States, each enjoying sovereign power, and of course equal rights.

That if, in the new legislature, as in the old Congress, each had been equally represented, and each preserved an equal vote, the sacrifice of rights would have been equal. But when it was admitted, that, in the National Legislature, the Representatives should be appointed according to the number of citizens, the sacrifice of rights was great, in proportion as the States were small. Thus Delaware, which had but one Representative out of sixty-five, retained only one sixty-fifth part of the nation's authority; and Virginia, which had ten Representatives, obtained two thirteenths. Wherefore, since each had previously enjoyed one thirteenth, Delaware lost four fifths of its power, and that of Virginia was doubled, so that Delaware, compared to Virginia, was reduced under the new establishment from equality to one tenth. It was moreover evident, that the course of population would daily increase this decided superiority of the great States. That, of course, if the whole power of the union had been *expressly* vested in the House of Representatives, the smaller States would never have adopted the Constitution. But in the

Senate they retained an equal representation, and to the Senate was given a considerable share of those powers exercised by the old Congress. One important point, however, that of making war, was divided between the Senate and House of Representatives.

That the legislative authority, being thus disposed of, in a manner which appeared reasonable, care was taken to preserve to the Senate a feeble share of the ancient executive power of Congress, by their negative on the appointments to office.

That it was, however, certain the President and Vice President would be taken from the larger States, unless the smaller had some proportion of their original right preserved, and therefore the number of electors is compounded of the number of Senators, who represent States, and of the number of members who represent the people. Still, however, the chance was, from the superiority of numbers, so greatly in favor of the large States, that a farther right was reserved to the smaller ones by the particular mode of election. The necessity of voting for two persons as President, one of whom should not be of the State voting, and the right of choosing a President out of the five highest on the list, where no absolute choice was made by the electors, is perhaps the most valuable provision in favor of the small States, which can be found in the Constitution. By the former, the chance of an absolute choice is greatly diminished, and by the latter, the decision among five candidates is preserved to the States in their political capacity. It will of course, under such circumstances, be always in the power of the smaller States to judge of the personal character of the parties presented for choice, and though natives and citizens of large States, one of them may possess such attachment to the country at large, and such a sense of justice, that from his administration there would be no danger of encroachment on their political rights.

That the Constitution, having thus secured to the smaller States a part of the rights, which they had previously enjoyed

in consideration of other parts, which they were called on to sacrifice, was for that reason odious to the great States of Virginia and New York. They, as is well known, strenuously opposed the adoption of it; or at least a very large party in each State, who preferred the old Constitution, or, what was equivalent, no Constitution at all.

That the party who opposed the Constitution in those States is now possessed of all power under it, and, though they cannot at once break the Constitution, are still actuated by the same principles, and are steadily pursuing their object, which is to mould it by degrees into such a form, as that all power shall be substantially vested in the large States.

That, in consequence of this plan, the independence of the Judiciary has been impaired, because the judges would, it was foreseen, resist assaults on the Constitution by acts of legislation.

That, more effectually to rob the smaller States of their rights, it became necessary to render their citizens accomplices in the conspiracy.

That for this purpose the plausible doctrine has been preached, that men have equal rights, and of course that inequality is usurpation.

That all authority resides in the people, and that a pretence in any one set or society of men to greater privileges, than those enjoyed by others, is contrary to the first principles of equality, and of course, that an equal representation in the Senate, of political societies unequal in number, is in direct contradiction to those maxims of free and *equal* government, according to which the United States have been originally constituted.

That the present amendment is a direct consequence of that false doctrine, which seeks the attainment of *power*, under the humble pretext of *equality*.

That, to designate the person voted for as President, must of necessity lessen the chance of an election by the House of Representatives, and is declaredly intended for that purpose.

The specific object of it is, that the choice of the people, that is to say, of the *great States*, which contain a majority of the people, may not be defeated by the House of Representatives, that is to say, by the *small States*, which have on such occasions an equal vote in the House.

That the necessary consequence of measures, grounded on that specious principle, must be an eventual subjection of the union to Virginia and New York. These States urge the present amendment for the purpose of dividing between them, at the next election, the two first offices of the union.

That, during the administration of Mr Adams, Virginia was almost in open revolt against the national authority, merely because a Yankee and not a Virginian was President.

That the proof of this important fact is derived from reviewing late events. We shall find that not one of the pretexts, used to overturn what was called the Federal administration, has served as a principle for the guidance of what is called the Republican administration. There is no reduction of taxes, except such as bear exclusively on the rich. There is no diminution of salaries. The discretionary power of the administration over the national treasure has been enormously increased. In fine, maxims are assumed from the British Constitution, and laws are passed in conformity therewith, which give to a Virginia President royal power. From all which it follows, not by mere inference, but by downright demonstration, that the leaders of what is called the Republican party were not dissatisfied, because the power of the government was too great, but because it was not in their hands.

That their attachment to the Constitution was pretended, that they might the better mould it to their purpose.

That the false principles, which they have dignified with the name of *Republican*, principles hostile to all government, and immediately fatal to all Republican government, were only assumed in order to lead honest men by slow, but sure degrees, *to abjure the principles of our Constitution*, and cooperate in their subjugation to the aristocracies of Virginia and New York.

I should conclude, by an appeal to the reason, the recollection, and the feelings of my audience, and insist that by paying our share of fifteen millions for the exclusive benefit of the Southern States, we had given sufficient evidence of submission to our masters, without agreeing to perpetuate *their* power and our own humiliation. I am, &c.

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Morrisania, December 13th, 1803.

My Dear Friend,

I see you have sojourned a long time in Flanders, and had a view of the Consular Court. The position to which Bonaparte had raised himself was to me a sufficient proof of his talents; but even while he was in Italy, I considered him as the future master of France. Circumstances rendered a master not only needful, but certain. Reasoning in like manner on circumstances, I know that his yoke must be painful and odious to the conquered countries. Indeed, I not only foresaw, but foretold the present state of Europe, in the early stages of the French Revolution. Twenty millions of men, thrown into so wild a condition, must, after doing great mischief to themselves and others, become the subjects of a military despotism. But though this result is, humanly speaking, inevitable, it can only be completed by a great man. Such men, however, are always found in such circumstances. Or, to speak more accurately, such men always exist, and such circumstances give them the means and opportunities.

Now it followed of necessary consequence that a great man at the head of a warlike nation, and raised into power by the sword, would feel a necessity of occupying ardent spirits abroad, to prevent them from doing mischief at home. Thus France, disciplined and ably commanded, in necessary war with her neighbors, was the object ever present to my mind;

and I sought in vain the talents which should oppose her. They did not exist in the Cabinets of Europe. Feeble minds must, from the nature of things, pursue trivial objects by feeble means. I think, however, that England is saved by a series of most grievous blunders. The peace of Amiens was a prodigious folly. But I quit this subject. Yours, &c.

GOUVERNEUR MORRIS.

TO URIAH TRACY, SENATOR IN CONGRESS.

Morrisania, January 5th, 1804.

My Dear Sir,

I thank you for the speech sent in your kind letter of the twenty-eighth of December. I have read it over a second time with great pleasure, and can tell you truly, that I think it does ample justice to the subject.

The idea, that two thirds of the whole number of Senators and of the whole number of Representatives are required by the Constitution to propose an amendment, is certainly correct. There are, I believe, only six cases in which the majority of a quorum cannot act. In one of these cases, viz. the choice of a President by the House of Representatives, a majority of all the States is required, and the reason is evident.

In two other cases, which respect only the Senate, two thirds of the members present are required. One of them is the case of treaties. To have bound the whole union by the act of a mere majority of Senators present would, in effect, have given the power of making treaties to the President, since, by watching opportunities, he could always have secured such majority. And to have demanded a majority of the whole number might have occasioned delay, dangerous in many cases, and especially when a treaty of peace should be under consideration. By a provision of that sort, absentees would have given an efficient negative without direct responsibility

Of course, cunning men, some of whom will always be found in legislative bodies, would frequently have lain by to approve or disapprove, according to subsequent circumstances, which, in affairs so urgent as the ratification of national compacts, might have proved fatal.

In the case of impeachment the same reasoning applies. If a mere majority could convict, public officers might be made the victims of party rage. If a majority of the whole number were required, members might, by absenting themselves, screen the guilty without incurring direct reproach. In the one case, faction would have too much, and in the other, justice would have too little power.

There remain three cases in which two thirds of the whole number are required. These are, first, the expulsion of a member; secondly, the passage of a law disapproved of by the President; and, thirdly, amendments to the Constitution. In these three cases a provision is carefully made to defend the people against themselves, or, in other words, against that violence of party spirit, which has hitherto proved fatal to republican government. The constitutional restriction presumes, that, to a measure of indispensable necessity, or even of great utility, two thirds of the whole number of Senators and Representatives would agree, and that, if they should not, no great danger would ensue. The public business might go on, though a member of the legislature should be unworthy of his seat. Neither would the nation materially suffer from the want of a particular law, especially of a law rejected by the first magistrate.

The case of war may indeed be supposed, and the additional case of corrupt opposition by the President to the organization of public force; but even, if it were allowable to reason from extreme cases, which, as every one knows, would be fatal to all legal and constitutional provisions, yet, in this extremest case, the corrupt President could, with less danger of detection, do more evil by a misapplication of the public force, than by opposing its existence.

So in the case of amendments to the Constitution, it was presumed, that America might enjoy a tolerable share of felicity under the existing compact, and that, if a case should arise to point out the necessity of amendment, two thirds of the whole number of each legislative body would concur in the recommendation.

It has been somewhere truly said, that frequent change of the law is a serious evil, and frequent change of the Constitution a most afflicting calamity. That evil, and this calamity, we probably are doomed to experience. Our fellow-citizens were dissatisfied with things done by those, to whom they had entrusted authority, and who adopted measures recommended by political opponents, in the vain hope of estopping them by their own confession. This dissatisfaction has been wrought up to resentment in the breasts of many, who, as usual, reposed confidence in those, who clamored most against the former administration; and, as usual, that confidence is abused. Those now in authority act warily, if not wisely, in riveting the manacles, which their adherents, like ignorant savages, have put on their wrists for the purpose of ornamental distinction.

Since the prostration of the judiciary, my anxiety about the Constitution is not so great as in former times. That mortal stab was but the beginning of a system the more dangerous, because it is not the result of a conspiracy among ambitious men, for that might be detected, exposed, and thereby frustrated. But the mischief lies deeper, and the agents are actuated more by instinct than reflection. There is a moral tendency, and in some cases even a physical disposition among the people of this country, to overturn the government. Such noxious humors can no more be cured by argument than the gout. With some, as in Virginia, they are hereditary. With others they are generated, as in Pennsylvania, by the intemperate use of *ardent spirits* imprudently imported. In one case aristocracy groans under that law of equality, which forms the fairest feature in our Constitution. In another, bad sub-

jects of a monarchy have broken loose and run mad. Everywhere prosperity had made men wanton, and thereby they have become wicked. The habits of monarchical government are not yet worn away among our native citizens, and therefore the opposition to lawful authority is frequently considered as a generous effort of patriotic virtue. Add to this the host of 'moody beggars starving for a time of pell-mell havoc and confusion.' There is, therefore, much reason to fear, that all attempts to save the people from their most dangerous enemy will fail, and that in consequence the wishes of those, who long for a monarchy, will be gratified.

The repeal of the judiciary law battered down the great outwork of the Constitution. It has been followed up vigorously by the assailants; and those, who have on this occasion thrown themselves into the breach to defend our rights, merit the warm applause of a grateful nation. But what are we to think of that nation, in whose Senate a member will boldly avow the design to make an inroad on the Constitution, merely and expressly to secure the power of a ruling faction? He, who, ten years ago, had ventured to predict this, even as a possible case, would have been viewed as a madman. And so perhaps he may be, who now declares, that the reign of terror will follow the domination of a single House of Representatives, as surely as light follows the sun.

The dangerous doctrine, that the public will, expressed by a numercial majority, is in all cases to be obeyed, arises from a perverse confusion of ideas, and leads to horrible results. That numercial majority not only may, but frequently does, will what is unwise and unjust. Those, therefore, who avow the determination strictly to comply with it, acknowledge themselves the willing instruments of folly and vice. They declare, that, in order to please the people, they will, regardless alike of what conscience may dictate or reason approve, make the profligate sacrifice of public right on the altar of private interest. What more can be asked by the sternest tyrant from the most despicable slave? Creatures of this sort

are the tools, which usurpers employ in building despotism. They are the direct counterpart of him, who is described by the poet with such inimitable force, elegance, and perspicuity.

> Justum et tenacem propositi virum
> Non civium ardor prava jubentium,
> Non vultus instantis tyranni
> Mente quatit solidâ.

Horace had seen no camelion race of his day change from demagogues to courtiers, or rather, preserving their camelion substance, take the color of the thing they feed on.

This letter has grown too long, and will show perhaps more of indignation, than becomes a man, who has imposed on himself the law to bear without murmuring the course of events. But minds in unison are responsive, like the strings of instruments exactly tuned, and I cannot behold the struggle made to preserve the peace and happiness of our country, without feeling keen sympathy. Adieu. Remember me with true affection to our friends.

GOUVERNEUR MORRIS.

TO JONATHAN DAYTON.

Morrisania, January 7th, 1804.

Dear Sir,

In wishing you many and happy years, I have to acknowledge your favor of the twenty-fourth of last month. I see, with you, that it will not be easy to find a governor for the newly acquired territory, supposing always the Administration to know the kind of man necessary for the office, and to seek him without any motives of party or partiality. Let me add my belief, that no man without the support of at least one thousand American bayonets can duly restrain the inhabitants of that region. Time, however, will unfold many things not dreamt of in the philosophy of our rulers.

As to the cession of that country, I should indeed have lost

all shame as well as every pretence to understanding, if I did not approve it. A few millions more or less in the price might be a fit subject for Democrats to bawl about, if the treaty had been made by their opponents, but it really seems unworthy of notice, when the subject is taken up on the great scale.

There are, however, two points, which do not meet my approbation. One of them is indeed of little consequence. The want of some restrictive designations of the amount of French grants. This defect may seriously injure hereafter the title to landed property in that quarter. I consider the amount of those grants, however great, as a trifling object of national concern. Indeed, I should not be sorry, that the Ministers of every nation in Europe had a large landed estate in America, believing as I do what is written, that where a man's treasure is there will his heart be also.

My other objection is more serious. The stipulation to admit the inhabitants into our union will, I believe, prove injurious to this country. I do not consider whether the admission be constitutional, nor whether it be advisable, for at the rate things go on, the Constitution cannot last, and an unbalanced monarchy will be established on its ruins. Although I sincerely deprecate that event, yet, as I am not now called on to take any part in our councils, I have made up my mind to float along as gently as I may. When the catastrophe of our tragi-comical drama shall have arrived, questions on the rights of citizenship will be merged. These, therefore, no longer command my attention. But whatever may be our form of government, I consider it as of the last importance to resist every attempt, which foreigners may make to interfere in our domestic concerns. Much more ought we, in my opinion, to take care that our treaties be so formed, as never to furnish them with the slighest pretext.

I thank you for Tracy's speech, which is, I think, a very good one; but I fear it will not save our social compact even from the present stroke. Adieu.

GOUVERNEUR MORRIS.

TO JONATHAN DAYTON.

Morrisania, February 19th, 18[illegible]

Dear Sir,

I have received your favor of the seventh, and thank you for the information it contains, both moral and political. I have seen an excellent piece published in the Federalist on the Louisiana treaty. It contains, however, one thing, which has got abroad too soon.

The fact is, as there stated, that Louisiana is the dangerous rival of the Southern States. There appears to me but one mode of treating that country, consistently with the general interest, and especially with that of Virginia, North Carolina, and, above all, of South Carolina and Georgia. New Orleans should, I think, have been strongly fortified, and the whole Territory been kept *as a province*. Had I believed, that my opinions could have any weight, I would have taken the liberty of expressing them to Mr Butler and General Jackson; but, besides the appearance of vanity in attempting anything like advice to men of understanding, they might have supposed my sentiments to have been influenced by the spirit of party. Moreover, I am but a looker on, and ought not perhaps to interfere in the game. The die is cast. And from the moment when the citizens of Louisiana were made members of our union, they became the natural and political allies of the northern and eastern States.

We have with them no competition of interest; on the contrary, our shipping and mercantile capital are essential to their wealth and prosperity. To our merchants it is completely indifferent, whether the rice, indigo, tobacco, and cotton, with which their ships are freighted, be produced along the Eastern or the Western waters. And equally indifferent is it, whether the produce of our skill and industry be rendered to those, who speak English, or to those who speak the provincial dialects of France and Spain. As the spirit of policy has no passion, so that of commerce has no attachment. Both are

governed by interest, and the interest of New England is the same with that of Louisiana.

Had the Federalists gone forward to obtain favors for this new territory, they must have failed. The best service, therefore, which they could render was to do what they have done, and their enemies have fairly beaten them into the situation most eligible. I repeat it, the government have defeated themselves, as to their main object, and they will, I believe, equally commit themselves in every detail. I am, &c.

GOUVERNEUR MORRIS.

JONATHAN MASON, BOSTON.

Morrisania, February 20th, 1804.

Dear Sir,

Although by tacit agreement we have renounced the plan of travelling together, there is no reason why we should not converse together. For want of anything else to say, let us since it is the fashion talk about Louisiana. We will, however, leave the good and evil of the treaty with those who made it, and the wisdom of subsequent laws with the majorities in Congress, and merely consider, as if it were a thing of some other age and nation, the probable consequences of what has been done.

Since the soil and climate of Lower Louisiana are suitable to the culture of sugar, cotton, indigo, rice, and tobacco, it must become the commercial rival of countries producing the same articles. In this competition, success must depend, industry being equal, on relative circumstances. Among these the most prominent are, first, the fertility, equal at least to anything in the Atlantic States, and superior in quantity of good land. The second circumstance seems to be the climate, certainly less salubrious than our own, but not inferior to that of South Carolina and Georgia, nor even to the lower parts of Maryland and Virginia. A third circumstance is the means

of procuring needful or useful articles not produced in the country. It has in this respect a manifest advantage. The rice and cotton planters find it advantageous to purchase Indian corn for their slaves at a dollar per bushel; but those, who dwell along the waters of the Mississippi, will gladly deliver it at New Orleans for a third of that price, and other productions of the temperate regions proportionately cheap. A fourth circumstance is the chance of markets, which I consider to be equal; but, if there be a difference, it is not unfavorable to Louisiana. The last circumstance to be noted is the security from foreign invasion, and the insurrection of slaves, which is in favor of that country, since by securing New Orleans they shut out danger from abroad, and render any insurrection of their slaves an act of foolish desperation.

But what of all this? This, my friend, will show that Louisiana must cripple the culture and commerce of the Southern States, which circumstance will produce a spirit of jealous enmity between those States and their western rivals. This will show itself in the two houses of Congress, soon after the new country shall be represented. We, on the contrary, far from being in competition with the planters of Louisiana, are their useful and I may say necessary commercial agents. Good management, therefore, on our part cannot fail to conciliate them; so that, unless we are wanting to ourselves, this southern domain, instead of reducing the northern and eastern States to be mere cyphers, may render them arbiters, in other words rulers of this union. In all this it is supposed that our Constitution should endure, notwithstanding the attacks of ignorant zeal, the great addition to a country full large enough before, the wealth pouring in on full tides of commerce, the corruption of manners, and those incidents of time and chance, which give vigor and effect to the spirit of innovation.

Whenever the period shall arrive, which Providence may have designated for the change of our organization, it may be presumed that force, not argument, will decide on the form to

be adopted by those, who may then be in political connexion. But in the probable situations previous and subsequent to that event, the nerve and industry of the north must prevail over the indolence of the south. I wish the Magi to consider these things, and if I am wrong to point out the true path. There we will walk together, and listen to the counsels of the hoary headed Sachem experience. Adieu. Yours, &c.

GOUVERNEUR MORRIS.

TO M. NECKER.

Translation.

Morrisania, May 11th, 1804.

Sir,

In my letter of the eighth instant I made no answer to your inquiry, whether the possession of Louisiana would not be injurious to landed proprietors in the northern part of the State of New York.

Opinions are divided on this subject, but I am of opinion, that it will be rather useful than injurious, and that by reason of the very effect from it, which seems to have been feared. It is possible, that some settlers may remove thither; but in every calculation made with regard to the trade in lands, it is necessary to consider attentively the two classes into which the settlers are divided; the one of which is composed of honest and laborious men, and the other of idle men, who would supply the place of labor by means of cunning. The latter bring misfortune on the districts which they inhabit, and as they are naturally disposed to new projects, they will prefer the dazzling uncertainty of Louisiana to the moderate and certain advantages, which present themselves in the northern part of the State of New York. With respect to the really useful settlers, they will be cautious of removing to Louisiana. The climate of the lower part of the Mississippi is unhealthy. Higher up the river the right bank can offer nothing more attractive, than our old possessions on the left bank.

In fact, our *El Dorado* cannot furnish resources, except in proportion as negroes are transported thither. Now our philosophical government will not so much as hear of slaves, and must, consequently, renounce the bright dreams with which it has amused itself. If, then, we impartially consider this purchase, it offers to us only two real advantages. They are, in fact, considerable. In the first place, the possession of the mouth of Mississippi, if the proper benefits are reaped from it, secures to us the fidelity of our ultramontane inhabitants. Then we have acquired the right of shutting the interior of our country against the whole world, and of avoiding, consequently, an inconvenient neighborhood. In the last place, we have perhaps secured to ourselves a lasting peace.

GOUVERNEUR MORRIS.

MADAME DE STAËL TO GOUVERNEUR MORRIS.

Translation.

Copet, August 16th, 1804.

Alas, my dear Sir, it was not by him, it was not by my heavenly friend that your letter was received. * It was for me to read the touching expressions of your affection, which were now addressed only to his spirit. You know how I loved him when you left Europe. I loved him a thousand times more when our intercourse became more intimate. His mind, his soul were yet more exalted, if that it were possible. Instead of growing old he became angelic. Grief for his death has every day for these four months sunk deeper into my heart. There is nothing that resembles him. Nothing ever will resemble him. It is not merely my fa-

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* M. Necker, the father of Madame de Staël, died at Geneva on the ninth of April, 1804.

ther, it is my friend, my brother, the half of my very self, the noblest half, that I have lost.

Oh, tell me,—in your own America, where they love each other; in your own America, where they trust in God, how do they support the death of friends? Do they hope to see each other again? And when hearts have been so closely bound together, is there no communion between the living and the dead? I have friends, I have duties; but he was at the very bottom of my heart, where no one else ever penetrated, nor ever will penetrate. Pardon me for speaking so unreservedly. Behind all the dignity and strength of your character, I thought I discovered a chord, which, from whatever distance it might be touched, would respond in sympathy with sorrow. I weep bitterly while I write.

I hope you will not cease to watch over my interest, for you will thus serve the family of M. Necker. I have great need of advice. When my father wished me to become acquainted with the state of his fortune, I always refused. I had a dread of being able to do anything without him. Now I must take charge of three children, and under a government which may deprive every one of his property, since it relies entirely upon force, and of that force opinion constitutes no part. Adieu, my dear Sir, pity me, for my heart is broken; and if you pray to God think of my father. Nothing so pure has ever existed among men. Once more adieu, my dear Sir, I salute you tenderly. *

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* As it is quite impossible to do justice in a translation to this beautiful and touching letter, the reader will doubtless be glad to see it in the language of the author.

'Copet, le 16 Aout, 1804.

'Hélas, my dear Sir, ce n'est plus à lui, ce n'est plus à mon céleste ami que votre lettres est parvenue. Il m'a fallu lire les expressions touchantes de votre amitié pour lui, qui ne s'adressoient plus qu'à son ombre. Je l'aimois vous le savez, quand vous avez quitté l'Eu-

MADAME DE STAËL TO GOUVERNEUR MORRIS.

Translation.

Copet, Switzerland, October 18th, 1804.

I have already, my dear Sir, entrusted a letter for you to an American, who embarked at Bordeaux for New York. In that letter I could only express to you my profound grief; nor should I yet say anything else to you, were I to speak only from my inmost soul.

M. Leray has written to you. I wrote to Messrs Leroy and Bayard, to give them powers relative to the agreement with Judge Cooper. May I hope, that you will have the goodness to take an interest in the conclusion of this affair. It was my confidence in you, which made me place a large part of my fortune in America, and on this same confidence I found my hopes and my security. Give me your aid like a father. Alas! that delightful paternal protection is no longer mine. I seek it in vain; that voice of nature and of God replies to me no more.

Our European reports are, that absolute governments are everywhere taking the place of governments called republican. In Switzerland, in Holland, perpetual chiefs are about

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rope. Je l'aimois mille fois plus encore depuis que nos liens étoient devenus plus intimes. Son esprit, son ame s'étoient encore élevées, s'il est possible. Au lieu de vieillir, il étoit devenu céleste. La douleur de sa perte, depuis quatre mois, entre chaque jour plus avant dans mon cœur. Rien ne lui ressemble, rien ne lui ressemblera jamais. Ce n'est pas mon père, c'est mon ami, mon frère, la moitié de moi même, la plus noble moitié que j'ai perdue.

'Ah, dites-moi,—dans votre Amérique où l'on s'aime, dans votre Amérique, où l'on croit en Dieu, comment fait-on pour supporter la mort? Espère-t-on se revoir? Et quand les ames ont été si intimement unies, n'y a-t-il donc aucune communication entre les vivants et les morts? J'ai des amis, des devoirs; mais il étoit au fond de mon

to be established. Bonaparte will take the crown of the King of the Lombards at Milan next spring. The Princes of Spain and of Naples must give up their thrones, and be supplanted by Bonaparte. All Europe, with the exception of England, is dependant on one man. Such is our present condition. As for the future, you can judge of it better than any one. Give me your views. I am going to pass the winter in Italy. Where shall I not go, now the centre of attraction is lost to me? Perhaps I may one day visit you; perhaps, at least, one of my sons may, when they grow up. And you? Will England never see you more? Adieu, adieu. I embrace you notwithstanding the distance. God bless me and you.

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cœur; là où personne n'a pénétré, où personne ne pénétrera jamais. Pardon de vous parler avec tant d'abandon. Mais à travers toute la dignité et la force de votre caractère, j'ai cru voir qu' une corde en vous répondit à la sensibilité et d'un bout du monde à l'autre. Je pleure amèrement en vous écrivant.

'J'espère que vous n' abandonnerez pas la surveillance de mes intérêts. C'est à la famille de M. Necker, que vous rendrez service. J'ai bien besoin de conseils. Lorsque mon père m'avait offert plusieurs fois de prendre connoissance de sa fortune, je m'y étais toujours refusée. J'avais horreur de pouvoir me passer de lui sous quelque rapport que ce soit. Il faut bien à présent soigner l'existence de trois enfants, sourtout sous un gouvernement qui peut tout prendre à tout le monde, puisqu' il repose tout entier sur la force, et que dans cette force il n'y a pas un seul élément d'opinion. Adieu, my dear Sir, plaignez-moi, car mon cœur est brisé; et si vous priez Dieu, pensez à mon père. Rien de si pur que lui n'a existé parmi les hommes, Adieu encore, my dear Sir; je vous embrasse tendrement.'

TO JOHN PARISH.

Morrisania, October 25th, 1804.

My Dear Friend,

When I reflect on the misfortunes, which have befallen your city of Hamburg, I am forced to recollect a reproof I gave to one of your merchants, for a want not only of Christian charity and national sentiment, but, as it seemed to me, of common humanity, when the neutrality of the north being secured, Francfort on the Maine was greatly distressed. I told him the time would probably come, when Hamburg would in her turn experience the same distresses from the same cause. He seemed to suppose, and that opinion was indeed pretty general among you, that you were all safe under the protection of Russia.

Now, my good friend, on all this subject I have had for many years of my life but one opinion. Ever since Frederick put himself at the head of the north to protect the rights of the Germanic body, there have in my opinion been two German Emperors, and the fault which I have perceived in Austrian politics was, not to see the affair in that simple light, and agree at once on a partition. This alone could, in my poor opinion, have saved that country from France. It is now organized in such a way, that, of three parties, the Austrian, the Prussian, and the French, this last must be the strongest, and, playing off the two first against each other, will govern the whole. Russia cannot, I think, act efficiently so far from home, without deriving great resources from Britain, or making the scene of war support her troops. Both may be needful, and France will certainly pursue those plans, by which she has hitherto succeeded. If, therefore, you are to be protected, you must pay for that protection, and if you are conquered, you must pay for being conquered, and if you are plundered alternately by both parties, you must pay liberal contributions for the honor thus conferred upon you.

After all, you will find that you are depending on a dream,

which, for people wide awake, is a strange economy. This dream is what you call the *Constitution* of the Empire. In other words, the treaty of Westphalia. Now, when the Constitution of a State exists only in and by a treaty, the State has in effect no Constitution at all. Its fate must ever depend on its neighbors. Thus, the condition of Germany depended on the relation of force between Austria and France, till Prussia rose to a certain degree of eminence. Then the balance was destroyed. France had an ally, to whom she could give the north whenever sufficient objects elsewhere might require it. The incidental circumstance, that a King of Great Britain should be at the same time Elector of Hanover, threw a small wheel into the machine, which could only embarrass its progress without altering essentially the result. His Britannic Majesty, in his royal capacity, was the natural enemy, and in his electoral capacity, the natural friend of France. This single reflection will go farther to unravel the policy of the Cabinet of St James's since the accession of the Brunswick line, than half a volume of sterile facts. That we may come, then, to your situation, you are a fine prize to the neighbor to whom you may be allotted; but if you remain a sovereign city, it must be owing to incidents so much out of the way, in which events usually proceed, that it will appear to me as a miracle.

Those who find fault with the politics of Berlin are not, I believe, well acquainted with the interior of that country. Prussia has grown up so fast, that, like all other plants of rapid growth, there is a want of solidity. A metaphor, I know, is not a reason; and I know, also, that to quote the text, 'those who live by the sword shall perish by the sword,' will not, in the present temper of mankind, be considered as a sufficient proof of any worldly propositions. I must, therefore, say, that a French army could wholly disjoint that monarchy. Poland is indignant at her present condition, and especially at the *policy*, (which she calls *perfidy*,) by which she was reduced to it. The chief blame is laid by the Poles on the late King of Prussia. There exists anoth-

er interior cause of weakness. Frederick the Great was, in one respect, a very little and shortsighted politician. His vanity led him to sacrifice the power and safety of his successors to purchase the incense of a few wits, who had undertaken to destroy the Christian religion; and here that has happened which is written; 'The fathers ate sour grapes, which have set the children's teeth on edge.' The destruction of religion has loosened the bonds of duty, and those of allegiance must ever be weak, where there is a defect both of piety and morality. Frederick maintained his philosophy on the enthusiasm, which his talents and good fortune had inspired. But when the talents went to the grave, the blaze of enthusiasm naturally sunk, from the want of fuel; and I see no such fuel in the Minister of his Majesty. Of his personal character I have not had such opportunities for information, as might justify me in declaring an opinion.

When I was at Berlin the fate of Europe was in the hands of that Cabinet. I mentioned to one or two what in my opinion might be done. Among others I detailed it to old Count Haynitz. He pressed my hand, the tear rolling down his cheek, and cried out, 'Ah, my dear Sir, if the great Frederick, my old master, were alive, this conduct would indeed be as wise as it is great; but alas!' The time I think has now gone by, and can only return by some heavy misfortune to the French Emperor. If that should happen, feeble counsellors would take advantage of it to show the wisdom of remaining quiet before, and thence deduce the wisdom of still remaining quiet. I suppose throughout, that there is no corruption. If there be, and you wish to know it, you must apply to M. de la Foret and M. de Talleyrand. I am, &c.

GOUVERNEUR MORRIS.

TO AARON OGDEN.

Morrisania, December 28th, 1804.

My Dear Sir,

You ask a question, telling me at the same time, that it can be answered by none but a prophet. I hope you do not mean to confer that title on one, who pretends only to compare present events with what happened in the ancient days.

Your question is a kind of dilemma. If by the former part you mean to ask whether the power of our federal Constitution will be committed to able, respectable men, I answer, No. That Constitution received, through the judiciary, a mortal wound, and has declined more rapidly than was apprehended by the most fearful. To the second part of your dilemma, I say, that, if the morals of our country were sound, we might foster high hopes. British corruption has been greatly exaggerated. It is far from general, either in the House of Commons, or in the election of members to that House. A choice in the counties being made, as you know, by freeholders is, generally speaking, out of the reach of corrupt influence; and it is to be noted, in reasoning on English affairs, that the Ministers always on important questions consult the wishes of county members; so that a measure is abandoned if disagreeable to them. Matters of importance, therefore, are decided by the voice of those to whom the country belongs; and, indeed, no administration can stand when opposed by those, whom they call the landed interest. With us corruption begins where, by the analogies of England, it should have ended. Our people are deeply corrupted by that licentious spirit, which seeks emolument in the prostration of authority.

You conclude, perhaps, that I adopt the second part of your dilemma. If so, you are mistaken. It is probable, that the relaxation of morals will operate chiefly on the judicial department, be more characterized by fraud than violence, and terminate rather in baseness than ty-

ranny. But there is, you know, a point of depression from which things return in a contrary course. There are also chances which may befal us before we reach that ultimate point. Being one in the great family of nations, our brethren cannot be ignorant of our condition. They must perceive that without force to protect a territory and commerce widely extended, without wisdom or vigor in our councils, we present a fair object to their cupidity. If, then, we do not receive a broad hint within ten years, it must be numbered among the moral phenomena. Nations, like individuals, are not to be reasoned out of vice, much less out of folly, but learn wisdom and virtue in the school of application. To speak without metaphor, rascals are more likely to repent at the gallows and whippingpost, than at the gaming table and dramshop. If we are visited by misfortune, knaves will not trust fools with the management of public affairs; and if the wise and the virtuous are then united by the bands of honor and patriotic affection, they may (holding in their hand the torch of experience) palliate, perhaps remedy the defects in our system.

America, my good friend, will at length learn some of those things, which an attentive study of the ancients long since taught you. The people of these United States will discover, that every kind of government is liable to evil. That the best is that which has fewest faults. That the excellence, even of that best, depends more on its fitness for the nation where it is established, than on intrinsic perfection. In short, after ringing round the changes they will find, that there is a single alternative on which they must decide, according to their actual and probable state, whether vigor or wisdom be most requisite. How far the influence of manners, habits, and opinions will permit them to pursue the best road, is a problem of no easy solution.

Our poor friend Hamilton bestrode his hobby to the great annoyance of his friends, and not without injury to himself. More a theoretic than a practical man, he was not sufficiently

convinced that a system may be good in itself, and bad in relation to particular circumstances. He well knew that his favorite form was inadmissible, unless as the result of civil war; and I suspect that his belief in that which he called an approaching crisis arose from a conviction, that the kind of government most suitable, in his opinion, to this extensive country could be established in no other way. When our population shall have reached a certain extent, his system may be proper, and the people may then be disposed to adopt it; but under present circumstances they will not, neither would it answer any valuable purpose.

Statesmen are frequently obliged to acknowledge that the things, which they consider as best, are unattainable. It would be a misfortune, under present circumstances, to be chosen a member of a Convention for the purpose of mending our Constitution. A man may easily put his finger on its faults. But let it be remembered that nothing human is perfect, and that every change is hazardous. If your country, sensible of its defects and determined to run all risks, should call on you for the remedy, you would see that anything short of a system strong enough to protect itself would be a mere quack nostrum; and you would, I think, find that the patient is not yet sick enough to swallow the proper medicine.

But now supposing the worst, viz. that the prostration of character, morals, and authority should enable a usurper to seize all power, it is evident that he could not long occupy the throne, unless he rendered his domination both respectable and agreeable. With a view to the former, prudence would dictate the appointment of respectable men to the first offices. To effect the latter, he would find it necessary to provide for the impartial administration of justice by independent tribunals. A regard to his own ease and convenience would lead him to submit the general conduct of business to a council of intelligent men. This sort of government would answer many valuable purposes of social union, and is, in effect, what most of them amount to when fairly analyzed;

though neither of us would choose, nor even submit to it, but under the pressure of necessity.

When a general question is raised, as to the best form of government, it should be discussed under the consideration, that this best being presupposed is, if unable to preserve itself, good for nothing; wherefore, permanency is an essential object, to which minor advantages must be sacrificed. But an absolute, that is, an unmixed monarchy, would hardly last three lives. Perhaps, on impartial inquiry, it may appear that a country is best governed (taking for a standard any long period, such as half a century,) when the principal authority is vested in a permanent Senate. But there seems little probability, that such a body could be established here. Let it be proposed by the best men among us, and it would be considered as a plan for aggrandizing themselves. Experience alone can incline the people to such an institution. That a man should be born a legislator is now, among unfledged witlings, the frequent subject of ridicule. But experience, that wrinkled matron, whom genius contemns and youth abhors, experience, the mother of wisdom, will tell us that men destined from the cradle to act an important part will not, in general, be so unfit as those who are objects of popular choice. But hereditary Senators could not long preserve their power. In order to strengthen the body, it might be needful to weaken the members, and, fixing the office for life, fill up vacancies from, but not by, the people.

When a general abuse of the right of election shall have robbed our government of respect, and its imbecility have involved it in difficulties, the people will feel, what your friend once said, that they want something to protect them against themselves. And then, excess being their predominant quality, it may be a patriotic duty to prevent them from going too far the other way. I am, &c.

GOUVERNEUR MORRIS.

TO MADAME DE STAËL, AT COPET.

Translation.

Morrisania, April 27th, 1805.

Madam,

I did not write you a letter of condolence upon the death of your much respected father, because I did not know your address, and especially, because my own experience has taught me how unsatisfactory are all attempts at consolation, when we have just felt an irreparable loss. Yours must indeed have been an overwhelming one; and time alone can relieve you from the burden, which weighs so heavily upon the heart. But time can efface everything, feelings, thoughts, men, and empires.

I do not venture to speak to you of politics, because I have for a long time received no information of affairs, except through the newspapers. It is possible, I allow, to foresee, by the aid of history and experience, what will be the conduct of a mass of men in given circumstances; but it is equally possible to foresee that of an individual, by means of a knowledge of his ruling passion, and of the capacity of his intellect, his talents, his powers, and particularly his weaknesses. In other respects, Providence has reserved to itself the knowledge of what we call events.

I have been for a long time persuaded, Madam, as well as you, that all kinds of property in Europe are uncertain and wavering. I am moreover persuaded, that the great events there will be felt in their reaction, even to the inmost depths of our forests. But the farther we are removed from explosions, the less violently do we feel their shocks, and, certainly, useful and safe investments are more easily found with us than elsewhere.

In the anguish of your grief you exclaim, 'Whither shall I not go? Perhaps one day I may be with you, or at least one of my children.' Your children will not be wanting in

character; they will also be the heirs of your fortune; and if there were any question, as to providing for them a country, I should take the liberty of observing to those, who are desirous of fixing them in Europe, that the chances of success are by no means favorable there; that the most fortunate adventurer escapes with difficulty the dangers of shipwreck, and that, when he has at last arrived in a good harbor, he finds himself at best in an inferior position under a government little to be respected. With us, it is within the reach of every one to attain the objects of his desires, and he, who is successful, enjoys the consciousness of belonging to a great power, and of possessing an influence over the course of its affairs. It is, moreover, evident, that the proportion of educated and wealthy men is not so great in a growing society, as in old States. Consequently, there is less to be apprehended from competition.

With regard to yourself, Madam, should you ever be seized with a desire of visiting our country, I must inform you beforehand, that your mind will not here meet with the resources, which custom has rendered necessary to you. The goodness of your heart will make itself felt everywhere, but there are very few among us, who are able to estimate your genius at its real value; in truth, we are not worthy of it. It must also be confessed, that whatever selflove may say, we are ignorant of the charms of good French society. We have, however, a little more taste for it than our cold ancestors the English. Perhaps, too, we are more imaginative and less reasonable.

Mr Cooper is now desirous to extend a road as far as your lands, and I find that he is quite right in what relates to himself, but not so much so in what concerns you. If your lands should be approached from the city of Albany, by means of a good road, their value would be greater and their sale more easy. Now this appears to me very practicable. I shall go to the city in a few days to consult with your friends respecting your concerns. Ever rely, Madam, upon all my efforts.

Do not, however, think that it is to the daughter of M. Necker I am desirous of being useful. No; it is that most amiable and intellectual lady, who honored me with her attentions when I was a stranger in Paris; it is Madame de Staël, whom I am ambitious to please. Allow me, therefore, opportunities of proving to you my sincere and affectionate attachment.

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Morrisania, June 2d, 1805.

My Dear Friend,

With respect to political affairs, I have but little to say. It is in the order of things, that a conclusion, like that which France has experienced, should bring men of talents to the management of affairs, and it is in the same order, that quiet governments should be swayed by people of moderate abilities. Such people go according to the lessons they have learnt, and, instead of reasoning on facts, look for precedents. Of course, when brought into contact with great minds, it renews the fable of the iron and earthen pots. The crockery heads get cracked.

Notwithstanding your conjectures, Mr Jefferson has been re-elected without opposition, although the talents of the country and most of its property are opposed to him. But his party thrive by sacrificing permanent public interest to a fleeting popularity. Their opponents, therefore, cannot expect favor from the people, until the mischiefs that result from this conduct shall be felt. This party is split into two unequal portions, those who call themselves the *moderate*, and those who style themselves the *genuine* Republicans. In other words, the few who enjoy, and the many who covet, office and emolument. The former think, as such folks always think, that measures which brought them into power deserve the name of *reform*, but that a continuance of such measures, an-

noying them in the the exercise of power, is a *flagrant abuse.* They, of course, cry up the advantages of moderation, while their opponents point out their well known vices and acknowledged defects. These people have agreed to speak well of Jefferson, abuse the Federalists, and disagree about everything else. This honorable compact has hitherto been adhered to, and, except the first article, will not be violated.

When you see the Baron de Lellienstern, make my compliments to him, and tell him, that he will find France a pleasant residence, now that ancient distinctions are restored, and due respect paid to nobility. Remember me affectionately to Voght, and tell him he had better come and purchase a barony in America, for if we should get revolutionized we must in our turn be *bestarred* and *begartered,* but if not, property must acquire its due weight, and, when joined to ability, secure to the possessor all that the world covets, so that he has a sure game to play. You will not come. No, you will not become the member of a large Empire; you prefer the pleasing varieties of a little town, dependant on all its neighbors, and which must belong to one of them, as soon as compensations can be found for the rest. Well, since your lot is so cast, may God bless you, and keep you safe amid impending danger and surrounding tribulation.

GOUVERNEUR MORRIS.

TO JOHN PENN, LONDON.

Morrisania, June 10th, 1805.

Dear Sir,

It gave me great pleasure to find, by your letter of the sixth of February, that I have the happiness to live in your remembrance. You mistake in supposing that I hold an office. I am in what Mr Addison calls the '*post of honor,*' a private station.

I have written to a son of my uncle to examine his father's

papers, and collect such materials as he may find among them suited to your purpose. The plan you mention is in every respect laudable. Your ancestor was a truly great man, whose qualities are not so well known as they ought to be. Our families have been connected in friendship from the reign of Charles the First. And when your father received the resignation of my uncle, he, in testifying his concern, said he had hoped that as long as there existed any of the name of Penn and Morris, the former would be the Proprietors, and the latter Governors of Pennsylvania. I cannot give authentication to many facts, of a delicate nature, which I therefore forbear to mention. In general there rests on my mind a conviction, that your family was about that time betrayed by some, in whom they reposed confidence, and whom unfortunately they continued to trust after unquestionable evidence of perfidy. Your good sense and humanity will, I trust, lead you to tread lightly on the ashes even of those men.

I am glad that a personal acquaintance has enabled you to know the justice of that favorable opinion, which I had formed and expressed of your royal family. The King is not only a well-bred gentleman, but (if I am able to form an opinion from conversations not unfrequent at his levee) a man of much valuable information and sound sense. He is, moreover, religiously attached to his duty, and perfectly well knows what is required from a King, and from a British King.

You ask my opinion of American property. Generally speaking it rises fast in value, and must (barring accidents) continue to rise in proportion to the increase of our numbers, the extension of our commerce, and above all to our progress in the useful arts. In the art of government we supposed ourselves adepts, but time and experience will show, and perhaps remedy our defects. In Pennsylvania they have a raging fever of Democracy, and would, if they stood alone, pass through the usual round to despotism. Connected as they are with sounder States, the disease may cure itself among them, before it comes to a crisis with their neighbors. In

effect, our population is too sparse for much mischief, and it is evidently the interest of a majority, as it is certainly the general interest, to maintain order and support justice. When some storm shall arise from abroad, (and who, in the changeable climate of political life, can expect a continued calm?) the mischiefs of our system will show themselves so clearly, as to compel the most unwilling to submit to proper alterations.

In short, my dear Sir, men, like other animals, discover what is fit for them, and thus government becomes the result of character, manners, and condition. I am, &c.

GOUVERNEUR MORRIS.

TO JONATHAN DAYTON.

Morrisania, December 18th, 1805.

Dear Sir,

You ask me to enlighten the public through the medium of the gazettes, on our foreign and domestic concerns; to which it may be objected, first, that our newspapers abound with political dissertations, which few take the trouble to read, secondly, that it is not easy to enlighten those, who are not already possessed of more information, than men in general can spare time to acquire; and, thirdly, that it would be presumption in me to protrude the reflections and experience of only thirty years on a community, every member of which is a statesman born.

That our administration is too feeble is, I believe, too true. What you say of their Chief is curious. When he told you we have the choice of enemies, he stated a fact applicable at all times to all countries, since any blundering blockhead can make a war; but when he acknowledged that we have not a choice of friends, he pronounced the surest satire on himself, since this misfortune can be attributed only to a series of false and foolish measures.

The position of our country enables her in general to take

the part, which may best suit her interest; and the state of Europe for several years past has been such, that the exercise of a little common sense would not only have preserved us from our present ridiculous condition, but placed us perfectly at ease both at home and abroad. I am, &c.

GOUVERNEUR MORRIS.

TO MADAME DE STAËL.

Translation.

Morrisania, December 24th, 1806.

Madam,

I fear, from circumstances which have just come to my knowledge, that my letter of the twenty-seventh of April has not reached you. I therefore do myself the honor to send you a copy of it annexed.

Your affairs here are in such good hands, that they cannot but be well conducted. Early in the month of May, I applied to a person worthy of full confidence. He complied with willingness, and I gave notice to Messrs Leroy, Bayard and Mc Evers, who undoubtedly communicated the same to you, when informing you of the papers necessary on your part to authorize them to manage your affairs. Until these shall be furnished, they can conclude nothing. The delays, however, cannot be injurious to you, because the district in which your lands are situated is more and more sought after by the farmers of New England, whom we call Yankees, and who are in fact the best. Thus their value cannot fail to increase.

I have seen, Madam, by the German newspapers, that you have been permitted to live in France, and knowing your attachment to that country I offer you my congratulations. Be pleased to accept them, as also the assurances of the sincere regard with which I am, &c.

GOUVERNEUR MORRIS.

TO THE DUKE OF ORLEANS, LONDON.

Translation.

Morrisania, January 2d, 1806.

If I have not allowed myself to write often to your Royal Highness, it is not because I have lost sight of your interests, or those of your august family. But with the conviction, that it was impossible for me to serve them, I thought it my duty to deplore in silence their misfortunes, and those of France; misfortunes not unlooked for by me, and which I even predicted fifteen years ago. The present state of things, the necessary consequence of preceding events, I distinctly foresaw at the time of the treaty of Amiens.

I am inclined to the opinion, that the great powers have no wish to place the royal family of France again upon the throne. To begin with Austria. It cannot be doubted, that the Bourbons, who opposed the extention of her power in Italy, as well as in Germany, and who have deprived her of Spain, will always be the objects of her hatred. To resentment for the past will be added the fear of the future. No reliance should be placed, then, on professions of friendship, even supposing that the Cabinet of Vienna should take the trouble to make any.

Neither do I believe that England is desirous of such a change in France. The moment of enthusiasm having gone by, sound policy now forbids her to unite France and Spain. It is for her interest, that the kingdoms on each side of the Pyrenees should be rivals.

It has long been said, that Prussia is the natural ally of France. But a connexion, rising out of the power of Austria, has reference to the kingdom rather than the King. France, in her quality of protectress of Germany, is the resource of the feeble Princes against the Emperor. They rely the more upon her, since it is her policy to remove the Austrian armies from the Rhine, and to maintain there petty powers, which shall be

devoted to her, by the relation between their weakness and her power. In this point of view, it is a matter of indifference to Prussia, whether Louis or Napoleon be seated on the throne; but it is not a matter of indifference to her, that France should be exposed on the side of Spain, England, and Italy, since the greater her dangers the more will she desire the alliance of Prussia. In the last place, if Bonaparte had allowed himself to neglect the Court of Berlin, it is simply from a consciousness of his own strength. The preponderance of this strength has also, at last, opened the eyes of his Prussian Majesty to the danger of Europe. But he will renew his former connexion, the moment it is out of Napoleon's power to make any attempts against the rights of their nation.

Russia, from her distance and colossal strength, may forbear taking a lively interest in the internal policy of France; but, considering the instinct of sovereigns, she cannot be displeased to see a moderate, in the place of a very great power. Therefore the scale, even in Russia, may incline to the side of the Bonapartes. It is true, that a temporary movement, either of indigation or of generosity, may for a moment disturb political calculations, which, however, in the long run govern Cabinets. I therefore believe that we must not, under existing circumstances, hope for the re-establishment of the royal family in France; and on this very consideration, I venture to build its final aggrandizement.

To that end, let us consider for a moment the objects of the alliance and of the allies. They first seek to diminish the power of formidable consequence; a general purpose, arising from a common interest. And this is moreover the only object of Russia, as it respects the west. With regard to her projects in Asia, they are nothing to the purpose. Austria covets Bavaria, whose Elector in allying himself to France gives her fair play. She also wishes to reinstate herself in Italy, but her allies do not unite in the wish. Prussia wishes to acquire to herself the Electorate of Hanover, with the Hanse Towns, Hamburg, Lubeck, and Bremen, I think

the King of England will consent, provided the Austrian Netherlands, comprising the bishopric of Liége, should be granted to him in exchange. Holland, in exchange for the country of Fulde, would fall to the House of Orange, under the name of Dutchy, Principality, or any other they please.

At all events, the allies will agree to take from Bonaparte his possessions in Italy; and these, I think, including Savoy must be claimed for the King of France. The allies, with the exception of the Emperor, ought to wish it, since by this means they would secure to themselves a barrier against France and against Austria, a thing advantageous for England and Prussia, and essential to the Pope and the King of Naples. It seems to me that even Austria will make little objection, since it will be better for her to renounce her own design upon Italy, than expose her to the usurpation of France. I am even convinced, that she would consent to it with a good grace, were Bavaria granted her. In this case, however, it would be proper to take in exchange the Venetian territory for the King of Sardinia, and that the King of Prussia should cede Anspach and Bayreuth to the Elector of Bavaria. This Elector would retain the Upper Palatinate, with his recent acquisition in Fanconia. Adding to these the Bishopric of Fulde, he would have no inconsiderable power, and his position between Austria and Prussia, by separating them from each other, would remove the causes and occasions of war. As to the rest, one cannot please all the world, and ought not to make the greater interests depend on the less. Now the greater interest, or which amounts to the same thing, that which seems to be so, is to erect a strong power in the north of Italy to close her gates against her neighbors.

The King may well revolt from a renunciation of the throne of France, but this renunciation appears to me the only means of securing it to himself. An act of this kind is void by the constitution of the monarchy, and when the French recall their King, it is not in his power to refuse. Now it is clear to me, that they will end with such an invita-

tation, especially should he be in a situation to make them a present of Piedmont. Supposing Bonaparte to be closely pressed by his enemies, and surely he must at length give way to the force of their arms, he will be very glad to give up Italy to make sure of France. But France, reduced to her ancient limits, and seeing the illusions with which she had been beguiled melting away, will no longer suffer the existing government. The ambitious men, whom she harbors in her bosom, will make havoc of each other, till a chief shall appear wise enough to seek again for the family of Bourbon, who alone can restore tranquillity and happiness.

But it is of the utmost importance, that, when true Frenchmen return to their ancient sentiments, their King should be in a situation to support them with a considerable force. To this end having by a wise economy saved enough to raise a body of Swiss troops, and having secured a powerful diversion on the part of Spain, the blow will be struck before the great powers have any hand in it. And when the thing is done, they will send Ambassadors to his Majesty to testify a satisfaction they do not feel.

I ask a thousand pardons for having so far trespassed on your patience, and pray you to believe that I am, with the most respectful friendship, your Royal Highness's most humble servant,

GOUVERNEUR MORRIS.

TO MESSRS INGLIS AND ELLICE, LONDON.

Morrisania, January 8d, 1806.

Gentlemen,

Our accounts from your side of the water are unfavorable to the Allied Powers, as Bonaparte was over the Inn, and marching against the Austrians and Russians, not yet collected to oppose him with effect. If, however, they have had the prudence to retire to the north side of the Danube, towards Bohe-

mia and Moravia, leaving open the road to Vienna, I think he will have felt himself obliged to return, in order to obviate the mischiefs, which threatened him on the side of Flanders and Holland. By activity alone he can avoid being crushed by the weight of the Allies, if, as I take it for granted, both Prussia and Denmark, with Saxony and Hesse Cassel, are opposed to him. This contest must terminate by reducing the power of France, or leaving the world at her mercy for some time to come.

Your glorious sea combat under Lord Nelson shows, what those who attended to the subject were long since convinced of, that you are completely masters of the ocean. In the consciousness of power you will, I fear, overleap the bounds both of prudence and justice, of which we in the first instance and you in the last will be victims. I know it must be unpleasant to your mercantile spirit to see a large, and we may add a disproportionate share of the world's commerce under the American flag, and the cupidity of your seamen may cast a longing eye at the spoil, which might be torn from us almost without an effort. But it would be wise to consider that now, as heretofore, the results of our industry are poured into your lap, and that in the vicissitude of human affairs you may find it needful to invoke principles, which it may now be convenient to neglect. I will not make of this letter a treatise on national law, but simply observe, that if, to carry to your enemy the implements of war be unjustifiable, it is certainly justifiable to furnish him with bread. And if it be justifiable to supply him with necessaries, it is more than justifiable to supply him with luxuries. Far from blaming, you should praise us for sending tea and coffee to France and Spain, taking from them as we do in return their money the sinews of war.

That our Administration and their friends and servants have not treated you with the friendship and respect, which good men among us wish, is true; but we ought not on that account to be embroiled, for in the course of a contest the cause is frequently forgotten. Irritation supplies the place of reason,

and lasting enmities arise from accidental circumstances. I hope this will not be. In any event believe me always yours,

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Morrisania, February 18th, 1806.

My Dear Friend,

You seem to think your climate favorable to human life, and I shall not question that point, so far as it may regard foreigners, but the natives in general appear to me too corpulent and pursy to last long. Many centuries ago Tacitus said of them, that they had great carcasses but little vigor. There is certainly a great difference between the people of Upper and Lower Germany, and in nothing more than in their teeth.

You seemed to groan in spirit at the inertness of those powers, whom you justly considered as bound by cogent interest, and, indeed by the principles of selfpreservation, to check the advance of Bonaparte. You did not duly consider, that Prussia was so much under the muzzle of his gun, that the slightest movement might have been followed by fatal consequences. I presume, that when the French armies were fairly engaged in Bavaria and Austria, the Prussians will have come out vigorously to prevent their return. The greater powers will, I think, have seen that the present moment is not to be neglected; and if, as I presume has been done, the Court of Berlin is indulged in objects of earnest desire, France will be brought into much narrower limits, than was dreamt of by many six months ago. The natural course is, that Prussia should get Hanover in exchange for Flanders ceded to England.

As to our funds, I see no remote probability of danger to them. That our system of government may change is not impossible, but if it should the change will I believe be gradual, and there can be no plausible reason for violating the

public faith pledged to our creditors. Besides, our debt, rapidly diminishing, is too small to be worth a fraud. I shall, therefore, when I receive your money go on and comply with your directions, selecting such stock as may on the whole seem most advisable. Our six per cents are, you know, only an annuity, since the government have reserved and actually exercise a right of pay, in an annual eight per cent, to sink the principal as well as pay the interest.

Your history of the two Barons is very amusing; but when you take occasion to pity the infirmity of human nature, because of their attachment to a trivial decoration, you assail the wisdom of Providence in his moral government of the world. What is it, which prompts the soldier, the statesman, or the hero, to brave toil and danger, and death, but that love of fame, that fondness for distinction, that vanity, in a word, which make merchants buy titles of honor? This little passion is a great resource to government, and of course a great advantage to the people, for unquestionably the greatest services are by means of it purchased at the cheapest rate.

I have read the memoirs of Talleyrand, in which I find some truth with a great deal of falsehood. Everything is exaggerated, even his wealth and talents. His character also is mistaken. He is not exactly of a criminal disposition, though certainly indifferent between virtue and vice. He would rather do right than wrong, and would not, I believe, perpetrate a great crime. The story of poisoning and the like cannot be true. Many singular publications have lately fallen into my hands, and the French revolutionists are painted in the blackest colors. Unquestionably there has been more of crime acted within the last ten years on the French theatre, than is usually to be found in the records of history; and as unquestionably the systems reared on such abominable foundations must soon crumble into ruin. Such is the unalterable law of God, attested by the undeviating experience of past ages. But it will not be by hands perfectly pure, that the present powers will be overthrown, or new ones raised.

Crime begets crime, and one abomination succeeds to another, until mankind are driven back to innocence by the sore experience of guilt.

From the banks of the Elbe, now alive with navigation, you will look calmly at the storm of nations. It cannot much affect your town, because there is not a sufficient mass of resistance to show all its fury. You have, however, felt something and will occasionally feel again, till the mischief is over.

Remember me affectionately to all friends, and believe me, &c.

GOUVERNEUR MORRIS.

TO JONATHAN DAYTON.

New York, February 24th, 1806.

Dear Sir,

I think with you that our public affairs are in a wretched condition. Good management might easily have retrieved them, but every day's delay makes the matter worse. I do not think the choice of an agent to negotiate, although important, is of so much consequence, as the adoption of a sound system of policy for the conduct of our foriegn affairs. At present we are blown about by every varying gust, and if our ship should reach a safe port under such circumstances, it would be wonderful.

The choice of Mr King would certainly be wise, and I should wish, though I cannot absolutely hope, that he would accept. As to me, I am so much out of the question, that the subject has never presented itself to my consideration. I very much doubt, whether anything short of a very loud expression of popular will would induce the administration to call for the aid of any gentleman among those, who, under the name of Federalists, are now proscribed in this country. That expression would indeed drive them to anything; but

they have not yet blundered enough to convince the wise and virtuous people of America, that their rulers are unfit for the places they occupy. In the mean time, we must, my dear Sir, bear the ills we feel, and the unpleasant expectation of other ills in store for us. I am, &c.

GOUVERNEUR MORRIS.

TO MRS SARAH BURNS.

Morrisania, March 19th, 1806.

My Dear Madam,

Genius and science are pleasing and ornamental, but morals and industry are useful and essential. They stand, also, in such close connexion, as fully to justify the proverb which tells us, that idleness is the root of all evil. Hence it is fair to conclude, that young people should be kept at work in some business, which may enable them afterwards to earn a living for themselves and their families.

In this country, the professions of Law, and Physic, and Divinity are overstocked, and, excepting a very few, who are eminent, give but little to their professors. Commerce and the useful arts present a wider and more fertile field, especially the latter, which, cultivated with integrity, industry, and moderate ability, insure competence and are frequently recompensed by wealth. They insure what is of more importance to a generous spirit, independence.

There are certain prejudices on this subject, which affect weak minds, and are justly despised by the wiser and better part of mankind. I have met with mechanics in the first societies of Europe, from which idlers of high rank are excluded; and was once introduced by a coppersmith to the intimacy of a Duke. I am, &c.

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Morrisania, July 22d, 1806.

My Dear Friend,

For matters of business I refer to my last of the ninth of May, to which I wait your answer. Since writing it, I have travelled a good deal, partly on account of business and partly for health. Not that I am sick, or anything like it, but a good appetite and digestion, with an abundance of the good things of this life, have rendered diet necessary to remove an erysipelas; and, besides the good effect produced in such cases by a change of air, a man will more easily conform to the rules of moderate eating and drinking in bad taverns than in good houses.

I am afraid to say anything about the affairs of your hemisphere. There is a sort of fatality, which converts my conjectures into predictions, and as yet I can guess at nothing good. A word in your ear. I see nowhere the man to convince, connect, and combine contrarient minds, discordant wills, and contrasted views; to conceive, arrange, direct, and pursue plans of extensive, well-digested, and vigorous military operations. How then am I to hope? The strong arm of Omnipotence can indeed upheave and overturn the foundations of empires, but we cannot prudently expect miraculous interference, and if it were not presumptuous almost to impiety, I would say it is easier to prepare the human instrument than perform the miracle.

There is indeed in the natural course another mode, by which the colossal statue of iron, brass, and clay, may be broken to pieces. A warm ride and a cold bath put a sudden stop to the career of Alexander, whose dominions were divided in shorter time than they had been conquered. It might be curious to indulge in speculation on what might have happened, if that great man had not been cut off in the prime of life. Let us not enter that field of conjecture. It is better to travel on the beaten track of history, which leads to the

conclusion, that no empire can endure, which is not founded on manners and laws. It is justice, says the book of wisdom, which establisheth a nation. A view of Europe would naturally lead a pietist to apprehend, that the Almighty had prepared a scourge for the abominations, which prevailed among the people. When the scourge shall have performed its office, it will be cast away, but while it is used, it is worn. France is not the less miserable herself by inflicting misery on others. It seems,—but I will not proceed to say what strikes my mind in the present moment.

Our wise administration continues its crooked course. The understanding traces it in vain, nor sees with how much 'art the windings run.' I cannot go on to call it 'a regular confusion,' though indeed confusion seems to be the order of the day, and so far it is regular.

Remember me affectionately to Mrs Parish, and all my other friends, and believe me ever truly yours,

GOUVERNEUR MORRIS.

TO MADAME DE STAËL.

Translation.

Morrisania, October 7th, 1806.

Madam,

I derived the more pleasure from your short letter of the 3d of July, as I read in it the language of your heart as well as of your mind. Happy is he who can enjoy your society.

Do not, however, rail at the little pamphlet. Its author does not desire the death of the offender, but that he should abandon his wickedness. Kings renounce independence, because like true philosophers they prefer life to honor. When an exception to the general rule is found, while the pride which inspires him meets with full approbation, it is necessary to bring him back to the feeling of what he owes to others. This

is doing him no wrong. On the contrary, by everywhere awakening and encouraging the spirit of independence, allies are prepared for those, who are contending for the liberty of nations. You will perhaps say to me, that this is spinning politics out into too fine a thread. But, madam, I am no politician, and besides, it is the sentiment of the author that I express. My own, in truth, differs not very widely from it. I believe that everything should be hazarded, and everything sacrificed, in the defence of national honor; convinced, that when honor is lost, nothing remains to lose.

I shall not fail to take an interest in your affairs in this country. It has occurred to me that you would do well to purchase the remainder of the township of Clare. It lies next to that of Ballybeen, which is rapidly increasing in population. Thus in time a revenue will be drawn from it, inconsiderable indeed at first, but subsequently of great importance. Now such a provision for a son is more valuable, than thrice the amount in money. The one directs to industry and economy, the other excites to dissipation, unless indolence is allowed to exercise its enervating power. It would perhaps be possible for you to purchase the remainder of Clare, at the rate of one dollar an acre; it certainly cannot be necessary to go higher than two dollars.

'If I were only twenty-five years old,' you say, 'instead of thirty-five, I believe that I should come and see you.' Then you think me fit only for the society of young ladies. Be persuaded, I beseech you, of the contrary. Believe, too, that the age of reason is that which is suitable for travelling. Greater advantage is obtained from it, and less risk incurred in it. Building castles in the air is a diverting folly. Building them in the United States would be a ruinous folly. Labor is too expensive. But to set up a little summer establishment in a new country, which is rapidly advancing; to pass there from three to five months of the fine season; to remain four months more either at Philadelphia or New York; and to spend the remainder of the year in travelling; this I consider a mode of life by no means repugnant to common sense.

M. Leray has informed me of the injustice of which you speak. I am no longer surprised at anything. I always entertain the hope, that your friends, and you have powerful ones, will cause all that is due in money to be paid to you, even though they should no longer render to you the rights of friendship. As for the rest, slanderers have pretended, that, in order to procure pecuniary justice in Paris, it is necessary to resolve on pecuniary sacrifices. If such is the fact, people must comply with the spirit of the place. Time will cause no useful change in it, for when injustice is the point in question, it may generally be said with truth, that '*Ce n'est que le premier pas qui coute.*'

Adieu. Ever rely on my sincere and kind regard.

GOUVERNEUR MORRIS.

TO JOHN PARISH.

Morrisania, November 12th, 1806.

My Dear Friend.

I sometimes tell your son, that he will never return to Europe except for a visit, but he does not quite believe me. He thinks, however, that the Laird of Rossie would be better here than where he is. He thinks also, that his father would be happier here, if his children were not too far off. I think that four commercial houses, viz. in London, Hamburg, the Low Countries, and New York, intimately connected with the needful capital and credit, might do immense business; and if my eyes do not fail, the business of America will daily become more important. Your eldest son should own a large tract of American land. This is the way to become a real Baron without the name.

I will not dispute with you about the conduct of Britain in taxing the funds; but I will suggest, that to take care of the nation is the first law of government. To this, everything else must bend, and what cannot bend must break. You

can draw your own conclusions. You may recollect a letter I once wrote, in which, after hinting at certain contingencies, I mentioned that Great Britain would not on that account possess one sucking pig less than before. I thought it right to give you those ideas then, and I think it right to recall them now. But I do not think it proper to put on paper all, which my mind suggests on that delicate subject.

That France would become the dominant power of the world, unless restrained by the wise and vigorous application of superior force, was my decided opinion, expressed to those whom it might concern in 1795, 1796 and 1797. That opinion has not changed. It was taken up in 1789, and suggested early in the year 1790, for the consideration of those, who could then have prevented much mischief, not only without effort, but without hazard, securing at the same time the gratitude and applause of millions. But Providence had otherwise ordained. You mention that Prussia was at the feet of Bonaparte without a struggle. This I distinctly predicted to the Count Haugwitz and Baron Alvonsleben in July, 1796, and stated publicly to the American Senate in February, 1803. But it is still possible to overturn that colossal power. The French armies will not resist the attack of British and German troops, if these be well led. They have not sufficient steadiness. The Russians will certainly beat them under any tolerable management. The new Emperor, if his armies are discomfited, will hardly be able to preserve his authority. Your Danes are brave, though not inured to war, and rather sluggish; but the Swedes are incomparable stuff for soldiers. They can, if need be, live on the bark of trees; and nothing earthly is braver. They are active also. The Dutch, the Swiss, the Italians, the Bavarians will gladly shake off the yoke if they can. Depend on it, if the French are forced a little way up the Danube, Prince Charles will not be idle. If, on the other hand, France be successful, all on the south will be as hushed as mice when they see the cat coming. And yet they will get nothing by

lying still. The fatter and sleeker they are, the better will pussy be pleased.

You think Hanover will return to its old master. This may be. I rather think it is the interest of Europe, that it should not, but that England should receive Holland and the Low Countries in exchange; that the Prussian should have Hanover, with some pickings in Westphalia and Lower Saxony. Among the rest two or three Hanse Towns. The Emperor of Germany having resigned, which in my opinion he ought to have done more than ten years ago, those towns have now no regular protector; and, besides, it is the fashion just now to crack such nuts after dinner. Witness Ratisbon, Augsburg, Francfort, &c.

Will Hamburg and Lubeck fall to Prussia or Denmark? I really cannot answer this question, my good friend. As you are now a subject of Denmark, it is to be presumed that you would, like all other faithful and zealous subjects, wish an extension to your Sovereign's dominions, but as a ci-devant Hamborgeois you may perhaps prefer the interest of that city; which would be much promoted by a union with Prussia, and the consequent opening of the Elbe. Let me tell you further, that if England were in possession of Flanders, and Prussia of Hanover, these nations would be sincere allies. Prussia would covet the protection of the British navy, and England the aid of Prussian armies. Pray make my compliments to the King of Prussia, and desire him to pull down the walls of Hamburg. If ever I pay that place another visit, I should like to have the liberty of coming and going at pleasure, without regard to the hour. I am, &c.

GOUVERNEUR MORRIS.

TO W. B. RANDOLPH.

Morrisania, August 12th, 1807.

Dear Sir,

I have received your letter of the first of this month. It gave me great satisfaction. I did not immediately reply, because I was confined with a fit of the gout. If I may judge from the style you are far from deficient in genius, and possess a deep sense of filial duty, which I much respect, because it is not only a rare virtue, but a strong guard against vice.

At your time of life I wished, like you, to cultivate the soil. Experience has convinced me, that much of what has been said on that subject is mere exaggeration. Above all it has convinced me, that the care I wished to shun sits as close to the husbandman as to any other of our fellow creatures.

If the learned professions do not open splendid prospects, and require much labor in youth, they give security for both ease and competence at a future day. We are all of us, in some degree, the creatures of habit. Six weeks of close application, rejecting all invitations to pleasure, will make study pleasant. Six months will render the enjoyment of that pleasure habitual. If you study law, as a science, beginning with ethics, proceeding with the law of nature and nations, and then combining the history of England with the study of our municipal law, you will trace, with indescribable satisfaction, the progress by which the state of society and manners has brought the civil and criminal code to its present form. You will then, in the seemingly barbarous jargon of special pleas, find traces of ancient customs combined with the principles of reason. Your mind will expand, and the field, which now appears full of thorns, will be strewed with roses. Add to this, that so long as our country shall remain free, a gentleman professing the law must be of the most respected order of citizens.

One word as to genius. Nothing is so dangerous to a young man, as to believe himself possessed of it. Nothing more uncertain than the evidence of that faith. To acquire knowledge is in the power of all. To do well without it is in the power of none. A boy of lively parts is, however, too apt to believe, that he is the favorite of Heaven, and knows everything by intuition. After half a dozen years, when he comes in competition with the dull but studious lad, whom he despised, he is surprised and mortified at a superiority of which he had no idea. I consider it, therefore, as a prognostic of your future success, that you think humbly of your parts. Cultivate them. If the soil be thin, manure it with learning. Believe me, you will reap a good crop, and remember that this soil costs you nothing, and does not depend for a harvest on the seasons, which frequently destroy the best hopes of the farmer. I am, &c.

GOUVERNEUR MORRIS.

TO MADAME DE STAËL.

Translation.

Morrisania, August 23d, 1807.

Madam,

Our friend came but to depart. I saw him for a moment only; but he will return this autumn, and we will then talk over everything. In the mean time, he should have given me the work which you announce to me.* In this he has neglected precisely what he ought to have done. I am very impatient to see it.

Since there is no France out of Paris, and *that* you are forbidden to enter, it seems to me nothing remains for you, but to choose another country. You will not decide to become a Swiss. The country is very beautiful without doubt, and its

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*A copy of '*Corinne*,' which Madame de Staël had sent to him.

inhabitants very brave. There is much, very much, to be said in its praise; but after all, I do not believe you would like to spend your days there. Napoleon still advances so rapidly, that unless he stumbles all Europe will soon be France, except the British Isles, into which, (for want of a bridge,) it is not easy to march the Imperial armies. Therefore, since you are not to be French, you must become English or American. But English society is quite too cold. Besides, as the sea must be crossed, either to come hither or go to England, the chief question is as to a longer or a shorter voyage. I flatter myself then, Madam, that next spring you will sail for America.

For this purpose, about the middle of April you can embark at Nantes with your son for New York. As soon as you arrive, you will come to Morrisania, partake what our dairy affords, and refresh yourself. In the beginning of July, you shall set out to visit your lands, and the interior country; and return by the middle of September, to repose after your fatigues, to gather peaches, take walks, make verses, romances; in a word, to do whatever you please.

When my hermitage shall have lost its attractions, you shall establish yourself in the city, where, by the aid of a good cook, you will contrive to live very well. Here, as elsewhere, people amuse themselves with discussions, *bons mots*, slandering their neighbors, and the like. Life is everywhere much the same in the long run. In all places the senses are of some account; the rest depends on the cast of mind, the view we take of things, the art of being occupied, and, finally, on friendship, whose sentiments endear our existence and banish *ennui*.

You will, perhaps, ridicule a picture in which, among the delights of human life, the form of love does not appear. Well, you have only to give him a place there. Accept, I pray, Madam, the tribute of my respect and sincere friendship.

GOUVERNEUR MORRIS.

TO THE MARQUIS OF STAFFORD.

Morrisania, September 14th, 1807.

My Lord,

It is now I believe about seventeen years, since I took the liberty of mentioning to your Lordship my opinion, that if the French Revolution was not arrested in its progress, it would become dangerous, and perhaps fatal to the liberties of Europe. Your Lordship, admitting that France might, as I supposed, pass through anarchy to a military despotism, did me the honor to observe, that wise alliances would set a bound to her power. To this I permitted myself to reply, that it might be difficult to find a Marlborough and Eugene; that, when found, it would be more difficult to prevent discord between them, and that even if sufficient armies and capable Generals were brought to act in perfect harmony, it could scarcely be expected that great powers, whose interests are various and even opposite, would continue long united in good or in evil fortune. My mind was then filled with sinister forebodings, and although I have occasionally forced myself from the dreary precincts of reflection, into the more cheerful regions of imagination, reason, stubborn and unyielding, has always brought me back. I have never, indeed, doubted the physical power of Europe to confine France within safe limits; but I have not been able to discover the moral energies needful to employ that power with effect.

I took the liberty of mentioning this subject to your Lordship at that early period, because I thought the occasion pressing, and because Great Britain seemed more deeply interested, than any other power; having in effect more to lose, and being the object at which the blows of France would be specially directed. Much of what I feared is realized. You stand alone, and those, who ought to side with you, keep aloof awed or subdued. It gives me pain, my Lord, to see that, in this dangerous moment, when the energy and talents of your country should be collected to a point,

there is a divergency of efforts and views, which may bring the government into disrepute and impair its authority.

It would be a task, both useless and odious, to mark the mistakes, which have been made. One thing, however, I must notice. If your affairs with this country had been well managed, we should now in all probability be your firm and useful ally. As it is, you have duped our feeble administration in a commercial treaty; and, should it be ratified, you will gain advantages, which, however flattering to your merchants, are not worth a rush when placed in competition with your great political interest. I long since told your Lordship, that you should have here a man of high rank and great talents. Permit me to add, that he should be invested with great latitude of power. The rest would follow.

But the most material object now is, to form an administration sufficient to take charge of you. I have no apprehension, that in this year or the next a serious invasion of your Island can be made with effect; but a tottering administration may patch up a truce, and call it a peace, by which Flanders shall remain an integral part of France. Your safety is, I believe, from that moment committed. The annexation of the Low Countries to Holland would be better; because, although the same family might occupy both thrones, national interest will prove too strong for family feeling.

Whether you make a miserable peace, or carry on a fatiguing war, much is to be apprehended; but more in the former than in the latter case, because it is doubtful whether your Constitution can resist a licentious spirit aided by French intrigue.

If you are subdued by force of arms, which God forbid, rank and landed property, though impaired, will not be destroyed; but either conquest or revolution would obliterate your funded debt. Indeed, I apprehend that a continuance of the war will injure that species of property. When, looking across the Atlantic, I see such prodigious power and talents on one side, and on the other such madness and folly, the

precursors of the downfall of kingdoms, it strikes cold to my heart. Indeed, my Lord, it amazes me that you should strive to acquire distant possessions, when necessity calls for a concentration of force. Of what use could be Montevideo, Ceylon, the Cape, or Egypt, should a French army land in Yorkshire? According to my poor comprehension, your conquests are not worth half the cost of making, nor one tenth the risk of defending them. That counting-house policy, which sees nothing but money, is a poor, short-sighted, half-witted, mean, and miserable thing, as far removed from wisdom as a monkey from a man.

Perhaps Bonaparte will give you something convenient in Europe, for what you have taken from Spain and Holland, especially if Gibraltar, which is useless, be given up, and Malta, which may become useless, retained. If instead of trying to possess yourselves of every one's colonies, you could persuade every one to have colonies, each would be exposed to your power; but at the rate you go on, your fleet, as a means of offence, would be a nullity.

It will I know be said, that by extending your possessions you extend your commerce, and thereby increase your means of revenue. But the truth of these assertions may well be questioned; and even if admitted, it is not conclusive, because there are other circumstances of important influence. That, by holding a port on the river of Plate, you may enable Spanish Colonists to consume British goods cheaper than before, is true, and that your merchants may gain on their first adventures, shall be admitted, although it remains to be proved; but that your manufacturers will gain is not true, because they will supply the merchant trading to Buenos Ayres on the same terms, on which they formerly supplied the merchant trading to Cadiz. Thus, the national advantage which is suggested does not exist, and that which your merchants expect will hardly be realized. Thus, the profit from distant possessions is more than problematical, and the cost of defending them is certain. Your taxes, your seamen, and soldiers, however and wherever expended, must be levied at home.

In the spring of the year 1790, while I was soliciting your Ministers to surrender some posts detained within our limits, I found that a strong opposition was made on account of the fur trade. I observed to Mr Pitt and the Duke of Leeds, that it was a matter of indifference to Britain by what hands that trade should be carried on, because, in every contingency, the goods for the Indians would be purchased and the furs sold in England. The stress laid on the supposed advantages of your trade to Canada led me to inquire into its value; and I learnt from good authority, that your civil and military establishment cost a little, though very little, more than the gross sales of your imports from that country. This is is one instance of the value of foreign possessions for the purposes of trade; and I much fear, my Lord, that your India Company, when its accounts are wound up, will present another of the same sort and of imposing magnitude.

But what, you will say, is the object of this tedious epistle from another world? It is to recommend, that your Lordship, and the men who, like you, have a right to command attention, should unite firmly together, and put the political talents of your country, without distinction of party, in possession of power. Make a general, real reform, concentrate your force. In short, do what is needful to save yourselves, and preserve what is yet left of liberty in the world.

I will not apologize for this letter, because, if it be not its own apology, I can make none, and therefore will not give you the trouble of perusing, or myself of making, a lame attempt. I detain your Lordship but a moment longer, to express the hope, that no assurances can be necessary of my readiness to obey your commands, if in anything, or in any way, I can be useful. Assure your amiable lady of my constant respect, and believe me, my Lord, with sincere esteem, &c.

GOUVERNEUR MORRIS.

TO MADAME DE STAËL.

January 18th, 1808.

My Dear Madam,

After wishing that this year may bring you much felicity, I am to thank you again for your kind present. When I took up '*Corinne*,' I was determined to mark in my memory everything, which might look like a fault, and so I did. But before I got half way through, they were all forgotten. Rare quality of genius, to lead us in our ripe days, as love in the green ones, wheresoever it will!

I cannot help regretting, that your Scotch Lord was not *un peu plus entreprenant* that fine moon-light evening on the shores of the ocean. *La pauvre Corinne serait morte, au moins, avec connaissance de cause.* I remember to have heard of a little German girl, to whom it was announced by her physicians that she could not live; upon which she turned round, poor creature! whining to her mother, '*Nein, nein, ich kann noch nicht sterben; erst muss ich ein wenig heurathen.*' Truly, my dear Madam, it is a pity the world should be deprived of such wonderful talents as these, which Heaven had bestowed on *Corinne*. Now it is known, by manifold experience, that sensibility is a most noxious thing, when improperly confined; but, if the cork be drawn, there is no longer any danger of bursting the bottle.

I shall expect to see you with your son next spring, and shall say nothing about your affairs, because I know your friend Leray keeps you well informed. One thing, however, I will permit myself to observe; that, if your landed property were all lying together, it would be more valuable, because it could be managed with more ease and at less expense. It is foolish enough, by the bye, to tell you this, which your own good sense cannot fail to have told you long ago. I am, &c.

GOUVERNEUR MORRIS.

TIMOTHY PICKERING TO GOUVERNEUR MORRIS.

City of Washington, January 4th, 1809.

Dear Sir,

During the first session, that I attended the Senate in this place, I was informed by some of my Federal friends of your application to Mr Jefferson, in 1801, before his election was declared in the House of Representatives, relative to his intentions respecting the actual incumbents in public offices,—whether he should or should not remove them, on account of their political principles? That he answered, that, with respect to the heads of departments, it was to be expected that he would have about him men possessing the like views with himself. To this you frankly assented, and added, that no one could complain if he took the same course respecting our Foreign Ministers; when Mr Jefferson rejoined, that this would be the utmost length to which he wished to go.

I do not know but I may have occasion to advert to these professions of Mr Jefferson; and as I expect no public good from my lucubrations, but from their invariable exhibition of truth, so I am desirous in the present case to obtain from you a precise knowledge of facts. If you can indulge me with these, and speedily, I shall be very much obliged.

I am very respectfully, dear Sir, your obedient servant,

TIMOTHY PICKERING.

TO TIMOTHY PICKERING.

Morrisania, February 16th, 1809.

Dear Sir,

My absence from home prevented the earlier receipt, and consequent acknowledgment, of your favor of the fourth of last month. The matter you mention, though not literally, is substantially correct, and, (but for circumstances, which I will mention when we meet, but which, as two other gentlemen are

implicated, I will not risk by the post,) a regular bargain would, I believe, have been made to that effect, with those two gentlemen. Still it would, I conceive, be indelicate to bring forward publicly the conversation, which Mr Jefferson held with me, for he certainly could not have intended it for the public; and whatever may have been or may be his conduct towards me or my friends, there is, I think, a sanctity of social intercourse among gentlemen, which ought not to be violated. Moreover, his colloquies with me could form no contract on his part, because I had no voice in his election (that lay with the Representatives,) and because the Federal party continued (contrary I own to my judgment) to vote against him.

Moreover, there can, I conceive, be no use in alleging his opinions or intentions as expressed to me, for every man has a right, and is in duty bound, to change opinions when good reason occurs for the change, and every man has a right to pursue a course different from what he intended, when, in the lapse of time and of events, the existing circumstances shall be different from what he intended. These observations apply even to those engagements, which Mr Jefferson took with the public by his inaugural speech, and which go substantially the whole length of our conversations on that subject. I owe it to justice and to him to add, on this occasion, that I believe his professions were sincere, and that he was driven by the cupidity of his partizans, and the pertinacity of their friends, to act contrary to his judgment. I am, &c.

GOUVERNEUR MORRIS.

TO JONATHAN MASON.

Morrisania, April 11th, 1809.

My Dear Sir,

I thank you for yours of the twenty-fifth. I believe in the kind sentiments of my friends in your town, because I feel my attachment to them. You think our Constitution defective,

and we all know that nothing human is perfect. Let us then admit the faults you designate, and ask how they are to be remedied.

Perhaps our experience will sufficiently prove, without reasoning on the subject, that paper Constitutions are indeed but cobweb chains to the strong arm of legislation. If so, multiplying cobwebs will merely foul the chamber and render it uncomfortable to the tenants, without barring the door against usurpation and injustice. Doubt not that truths, which now develope themselves, were known to those by whom our Constitution was framed. But it is one thing to pursue theoretic perfection, and another to secure practical advantage.

He, who looks far forward into probabilities, possessing tolerable knowledge of that motley composition, man, may form a few just expectations of events. If wise, he will confine his conjectures to his own bosom, or entrust them only to the bosom of confidential friendship. The vulgar, great and small, cannot bear truth. It shocks some, frightens many, and pleases few or none. Believe this, however nations acquire the form of government most fit for them; 'for well I know,' said the lean and hungry Cassius, 'he would not be a wolf, but that he knows the Romans are but sheep.'

History had long since told us the tale of Democracy. Now, 'if they hear not Moses and the Prophets, neither will they be persuaded, though one rose from the dead.' This declaration is made on such good authority, that I consider it a vain task to preach to unbelievers. They are to be converted only by suffering. They must be schooled with adversity, where their false friends are their teachers. After some smart correction, they may be more manageable, and then, but not before, it may be prudent to attempt such changes in our social organization, as may save us from despotism, the goal to which we have been running for a dozen years past with all our might. I am, &c.

GOUVERNEUR MORRIS.

TO WILLIAM MEREDITH.

Morrisania, January 27th, 1810.

My Dear Sir,

I have read with great pleasure the book you sent. The author has seen much, and seen it well, which is a rare talent. He has reasoned well on what he saw, which is also a rare talent. And he has well expressed what he thought, a thing by no means common in our country.

I wish he had traced more faintly the impressions made on his mind by Great Britain, not because I think the tints too glowing, but because detractors will take occasion to decry the sober sense of his book, and treat it as the mere corruscation of heated fancy. Still, however, it will do good, and I hope it may be generally read. The author's opinion of Russia appears to me just; but something must be allowed for a position, which cannot be attacked in the rear. He has, I think, estimated Prussia too highly. That power was rather an army than a kingdom. Austria is still great, and, if a vigorous mind should direct her efforts, in conjunction with England and Spain, the issue would, to say the least, be doubtful. Spain is not conquered, and if thrown into a Republican form the conquest would be a work of time, even if left alone; but if Britain plays the game well, Spain is I believe unconquerable.

At any rate Bonaparte will not get the thing he sought, but a thing ruined in the pursuit; and his power will be diminished by the necessity of keeping a greater force in Spain, than the country can support. This, if successful; but, if obliged to retreat, he must defend himself against a nation stimulated to a rage of resentment. Rome conquered the world by Generals, Armies, and Statesmen, unparalleled in history. Still it was a work of time. The Roman Commonwealth employed seven centuries in eating up and digest-

the nations. Thus was formed by degrees an immense

completely Roman.

The French Emperor, belligerent (as your friend well observes) from necessity, has already acquired vast dominion, and may perhaps acquire more; but that dominion is not, cannot be French. France is daily, hourly exhausted by overstrained exertion, and, should fortune change, the feebleness of her resistance will astonish as much as the splendor of her success. Bonaparte's late peace with Austria has blunted that great weapon, opinion, by which his enemies were half defeated before they were attacked. After all, I can easily believe, that he may subjugate for a time continental Europe, because I see nowhere the sufficient moral energy to direct that physical force, which remains unsubdued. If, however, a truly great man should be charged with the destinies of Austria, that power would, I think, in less than five years be preponderant in Europe.

But I must stop, lest this letter should swell into an essay. Before I close it, excuse me for calling your attention to that course of events, by which divine justice has brought disaster, distress, and disgrace on two of those three, who made among them the partition of Poland. I am, &c.

GOUVERNEUR MORRIS.

TO MRS GERTRUDE MEREDITH.

Morrisania, May 21st, 1810.

My Dear Madam,

I have received yours of the twenty-fourth of April, and fifth instant. We expect with impatience your long and often promised visit.

The question you put respecting your son, it is not easy to answer shortly if at all. I have however no hesitation in saying, that he is too young to be well employed in a good college. In such a college things are taught to which a young mind is not competent. You are not to be told, that intellectual powers unfold themselves by degrees. Memory comes

first, judgment last. In early youth the reasoning power cannot be, ought not to be, vigorous. That is the season to collect, and not to assort the mind's furniture.

I shall readily acknowledge the possibility of pushing a child forward to a man's task, and I can believe that, in the assent of such a child to certain propositions, there may enter some small share of conviction. But the chance is more in favor of his faith. And the probable fruit of such study is the habit of positive assertion on the ground of mere belief. Positive assertion is not always polite, and is seldom necessary, even when founded on antecedent demonstration: but when hazarded, the combined charge of levity, pedantry, and ill-breeding, greatly depreciates character. Nor is this the only evil, which attends the ungracious conversion of a fine boy into that miserable thing a little man. He is led to believe, as he goes along, that he knows what in fact he is ignorant of, and when at a more mature period he comes to examine his acquirements, he sees and feels with shame and deep mortification, that the whole fabric of his stupendous science is void of all foundation. If, at that late period, he be really desirous to know, he must begin again and examine those notions, which ought to have been convictions.

Our American Seminaries have I fear in general, from a great condescension to the blindness of parental affection, been sunk down by degrees to the level of grammar schools, and are then, indeed, very proper places for children of eleven. But a great evil lies behind. These children of eleven, after a four years' course, in which with the aid of good memories they may learn to smatter a little of everything, become bachelors of arts before they know how to button their clothes, and are the most troublesome and useless, sometimes the most pernicious little animals, that ever infested a commonwealth.

We are endeavoring to put Columbia College, in the city of New York, on a more respectable footing. We shall require such qualifications for admission as cannot be acquired

at a very early period, and prescribe such a course, that, if the students go through it, they will at least learn to be industrious, if they learn nothing else. There are two educations. One of the head, the other of the heart. In the former, it is highly important if not essential that the faculties be kept on the stretch, without being overstrained. It was by lifting the calf every day, that a fellow, whose name I forget, became able at last to carry an ox. The constant exercise of intellect, in the varied walks of science, gives mental force, agility, and address. But when thus the power of a giant shall have been acquired, whether or not to use it as a giant must depend on the heart. And that will depend much, chiefly perhaps, on natural disposition; but, in no small degree, on the social spirit, which has presided over youthful ideas. Manners influence more than precepts. In absolute governments they interpret, and in republics they dictate laws. In both they are supreme.

Do not suppose I mean to vaunt the excellence of our New York manners, when I suggest the idea of sending William hither. I only mean to bring to your consideration the advantage a boy gains, by being placed early in a situation where he must make friends for himself. While neglect is the sure consequence of an improper, or negligent behaviour, necessity will teach him to study that very great art, without which the others are of little use, that pleasing, profitable art to please. I am, &c.

GOUVERNEUR MORRIS.

TO TIMOTHY PICKERING, IN CONGRESS.

Morrisania, January 4th, 1811.

Dear Sir,

I am much obliged by your favors of the 15th and 29th of the last month. I remember well the conversation you allude to, but, referring to my recollection of previous facts, it rests

in *my conviction* that the proposition of the party now in power to Mr Adams was, not to support his election, but to support his administration if elected by their opponents. I well remember, also, that you pressed me at the time to tell you why I so readily assented to the truth of what with you was merely a conclusion from circumstances, which had fallen under your notice.

I told you then, as I feel myself bound to tell you now, that, although the information I received was not expressly under the seal of confidence, yet it was in that sort of conversation, where among gentlemen there is so much confidence implied, that it would be indelicate to cite facts, unless perhaps to eulogise another after his death. If I were to express an opinion, as to the negotiation with Mr Adams on that occasion, it would be, that the present Secretary of State, and not his brother the General, was employed.

That we have no title under the treaty to West Florida I have no doubt, and our claim to extend eastwardly as far as the Perdido has never been made evident to my understanding. I do not, in truth, endeavor to inform myself, because I anticipated we should not set up such a claim after accepting a [illegible] from which the contrary [illegible] the money which was not included [illegible] Moreover, I was satisfied [illegible] in which we should have enough to take possession. [illegible] that Spain

[illegible] announced a corresponding [illegible] measure; but whether to oppose [illegible] ground is a *question*, which, if it [illegible] *expedience alone, might* demand some [illegible] If justice or duty require it, there is [illegible] the question, but otherwise there might perhaps [illegible] advantage in letting the thing take its course unopposed, but wrongly *referring* the matter to executive responsi-

They mean, no doubt, to cover the affair with a legislative mantle, but the texture of that mantle will depend very much on the conduct of those who disapprove. If they call for papers, obtain them, and go into grand committees on the state of the nation, and after all approve, the covering will thereby be woven of strength to keep out the weather for many a storm. If there be a quiet submission, with a modest expression of doubt, and a full acknowledgment of ignorance, and at the same time a despairing regret, that the weakness of the minority cannot oppose any obstacle whatever to the overbearing will of their opponents, the time will come when, under better auspices, it may be attempted to heal this and other wounds of the Constitution; not, indeed, by punishing the evil doers, for they will have become too insignificant for the stroke of national vengeance, but by the nobler, wiser, and better mode of making such provisions as shall check, if not prevent those inordinate sallies, which are the natural and indeed the necessary results of mob government.

I pray God to bless and prosper your efforts in the cause of honor and virtue, and thus to give you many and happy years.

GOUVERNEUR MORRIS.

TO LEWIS B. STURGES, AT WASHINGTON.

Morrisania, January 31st, 1811.

Dear Sir,

I thank you for yours of the eighteenth, and am glad to find that our friends have made a stand in favor of the Bank. Whether that institution was constitutionally created might have been, and ought to have been, maturely considered, when the question was originally brought up. At present we must assume its existence as the ground of argument, and examine the consequences of letting it perish. This I have no doubt has been done with great ability, and if I were a violent par-

ty man, I should rejoice that it had been done ineffectually. But I can find no pleasure in public misfortune.

I am sensible, that much difficulty will lie in the way of acting a neutral part on great questions of foreign policy. This difficulty, however, does not, I think, exist as to the exhibition of motives, for that may be done in various ways. For instance, the previous question being moved, the party might divide, voting alternately *yea* and *nay*, but when the main question was called, each one might reverse his vote. The difficulty appears to me of a higher kind. It may well be doubted, conscientiously, whether the permission be not equivalent to the commission of an evil. Hence it may be inferred, that the vote should be always according to the judgment of the party. Being no casuist, I shall not attempt to explain away our moral obligations, which, indeed, I have no wish or desire to do. But I permit myself to believe, that whatever may be the command of duty as to the vote, it must be less imperious on the subject of debate. If, indeed, there were any, though the faintest hope to convince, it might be a different affair.

In agitating questions of foreign relation, those, who are in opposition, stand on uncertain ground. The administration are in possession of facts, which they do not communicate, but lay traps for their opponents. They will raise, for instance, a report that England is about to send a Minister, and surrender every point in controversy, thereby exciting all those, who covet popularity, to join in their cry, that so they may share in their triumph; or, if they have good reason to believe that such will be the conduct of England, they will carefully conceal it, that so their opponents may be placed doubly in the wrong, as struggling to degrade our country and struggling in vain. In a situation so delicate it is very difficult to act. Prudence will perhaps dictate an expression of doubt; a belief, that others being better informed have formed their opinions wisely and knowingly; that to them, therefore, must be attributed the praise and the glory which may arise.

If the Bank perish, and the nonintercourse be established; if, above all, we are put at war with England, a scene will be displayed, of which few can form a competent idea. Rely on it, that no change of public opinion can be produced but by public feeling. Butler expressed, though wittily, a profound truth, when he said,

> 'For who's convinced against his will
> Is of the same opinion still.'

The majority, far from approving, much less applauding the patriot, who points out the evil of what they wish, detest the man who disturbs their quiet, and curse him for the sins they commit, and in which but for him they might have consoled themselves by the plea of ignorance; of that honest ignorance, which will not seek, but carefully avoids truth. Supposing it possible to open the eyes of those, who keep them wilfully and obstinately closed, you will not thereby alter their conduct. You will therefore do no good, you will prevent no evil, nay you will, by familiarizing men with the view of consequences, forearm them with a sullen obstinacy, or, as they will call it, a needful patience, under these unfortunate consequences, and thereby prevent the good, which might otherwise grow out of the evil. Add to all this, that your cunning adversaries will charge you with producing the mischief, which you foretold.

There is still another little plait of the heart to be unfolded, and you will find there nicely wrapped up and concealed even from consciousness, a determination to suffer without complaining, rather than furnish matter of triumph to him, who had so galled us and our friends by his poignant sarcasms, his powerful arguments, and his sinister predictions.

I am insensibly arrived at the bottom of my paper, and bid you abruptly adieu; for should I commence another sheet, my indiscreet pen might run away with us both. I am, &c.

GOUVERNEUR MORRIS.

TO ROBERT WALSH.

Morrisania, February 5th, 1811.

Dear Sir,

General Hamilton had little share in forming the Constitution. He disliked it, believing all republican government to be radically defective. He admired, nevertheless, the British Constitution, which I consider an aristocracy in fact, though a monarchy in name. The King can do nothing but appoint Ministers, who then become the acting responsible executive. And even in the nomination of those, who by courtesy are styled his Ministers, he is rarely a free agent. In getting rid of one set, another stands ready, whom he must take or see the men of his choice in a minority, and the machine of government stand still. But you know all this better than I do.

General Hamilton hated republican government, because he confounded it with democratical government, and he detested the latter, because be believed it must end in despotism, and be, in the mean time, destructive to public morality. He believed, that our administration would be enfeebled progressively at every new election, and become at last contemptible. He apprehended, that the minions of faction would sell themselves and their country, as soon as foreign powers should think it worth while to make the purchase. In short, his study of ancient history impressed on his mind a conviction, that democracy ending in tyranny is, while it lasts, a cruel and oppressive domination.

One marked trait of the General's character was the pertinacious adherence to opinions he had once formed. From his situation in early life, it was not to be expected, that he should have a fellow feeling with those, who idly supposed themselves to be the natural Aristocracy of this country. In maturer age his observation and good sense demonstrated, that the materials for an Aristocracy do not exist in America; wherefore, taking the people as a mass in which there was

nothing of family, wealth, prejudice, or habit to raise a permanent mound of distinction, in which, moreover, the torrent of opinion had already washed away every molehill of respect, raised by the industry of individual pride, he considered the fate of Rome, in her meridian splendor, and that of Athens from the dawn to the sunset of her glory, as the portrait of our future fortune. Moreover, the extent of the United States led him to fear a defect of national sentiment. That, which, at the time our Constitution was formed, had been generated by fellowship in the revolutionary war, was sinking under the pressure of state interest, commercial rivalry, the pursuit of wealth, and those thousand giddy projects, which the intoxication of independence, an extravagant idea of our own importance, a profound ignorance of other nations, the prostration of public credit, and the paucity of our resources, had engendered.

He heartily assented, nevertheless, to the Constitution, because he considered it as a band, which might hold us together for some time, and he knew that national sentiment is the offspring of national existence. He trusted, moreover, that, in the changes and chances of time, we should be involved in some war, which might strengthen our union and nerve the executive. He was not, as some have supposed, so blind as not to see, that the President could purchase power, and shelter himself from responsibility, by sacrificing the rights and duties of his office at the shrine of influence. But he was too proud, and let me add, too virtuous, to recommend or tolerate measures eventually fatal to liberty and honor. It was not, then, because he thought the executive magistrate too feeble to carry on the business of the State, that he wished him to possess more authority, but because he thought there was not sufficient power to carry on the business honestly. He apprehended a corrupt understanding between the executive and a dominating party in the legislature, which would destroy the President's responsibility; and he was not to be taught, what every one knows, that where responsibility ends, fraud, injustice, tyranny, and treachery begin.

General Hamilton was of that kind of men, who may most safely be trusted, for he was more covetous of glory than of wealth or power. But he was of all men the most indiscreet. He knew that a limited monarchy, even if established, could not preserve itself in this country. He knew, also, that it could not be established, because there is not the regular gradation of ranks among our citizens, which is essential to that species of government. And he very well knew, that no monarchy whatever could be established but by the mob. When a multitude of indigent, profligate people can be collected and organized, their envy of wealth, talents, and reputation will induce them to give themselves a master, provided that in so doing they can humble and mortify their superiors. But there is no instance to prove, and it is indeed flatly absurd to suppose, that the upper ranks of society will, by setting up a king, put down themselves. Fortunately for us, no such mass of people can be collected in America. None such exists.

But although General Hamilton knew these things from the study of history, and perceived them by the intuition of genius, he never failed on every occasion to advocate the excellence of, and avow his attachment to, monarchical government. By this course he not only cut himself off from all chance of rising into office, but singularly promoted the views of his opponents, who, with the fondness for wealth and power, which he had not, affected a love for the people, which he had and they had not. Thus meaning very well, he acted very ill, and approached the evils he apprehended by his very solicitude to keep them at a distance.

Those, who formed our Constitution, were not blind to its defects. They believed a monarchical form to be neither solid nor durable. They conceived it to be vigorous or feeble, active or slothful, wise or foolish, mild or cruel, just or unjust, according to the personal character of the Prince. It is a dupery to cite the duration of French monarchy at eight centuries. In that period the provinces, which lately compos-

ed it, passed by various fortune from their subjection to Rome, through the conquest of barbarians, the ferociousness of feudal aristocracy, and the horrors of anarchy and civil war, to their union under the Bourbons. That union was not consolidated until the soaring spirit of Richelieu, and the flexible temper of Mazarin, had tamed an indignant nobility to the yoke of obedience. By the vanity, the ambition, and the talents of Louis the Fourteenth, France became the terror of Europe. By the facile immorality of the Regent, and the lascivious feebleness of Louis the Fifteenth, she sank almost into contempt. After a few years of distempered existence, under the mild and virtuous Louis the Sixteenth, the lamp of that boasted monarchy was extinguished in his blood.

Fond, however, as the framers of our national Constitution were of Republican government, they were not so much blinded by their attachment, as not to discern the difficulty, perhaps impracticability, of raising a durable edifice from crumbling materials. History, the parent of political science, had told them, that it was almost as vain to expect permanency from democracy, as to construct a palace on the surface of the sea.

But it would have been foolish to fold their arms, and sink into despondency, because they could neither form nor establish the best of all possible systems. They tell us in their President's letter of the seventeenth of September, 1787; 'The Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable.' It is not easy to be wise for all times; not even for the present, much less for the future; and those, who judge of the past, must recollect that when it was present, the present was future.

Supposing, however, that one or two solitary individuals, blessed with an unusual portion of the divine afflatus, could determine what will fit futurity, they would find it no easy task to prevail so far with the present generation, as to induce their adoption of a plan at variance with their feelings. As in war,

after the best disposition, which the ground, the soldiers you command, the arms they use, their numbers, courage, and skill, compared with the arms, the skill, and the courage of your enemy, will admit of, much must be left to chance, or, in other words, to combinations of which we are ignorant; so in politics, after all that human prudence can do, events, which no genius could foresee, will often direct a course wholly different from the high road of probability. The materials of which society is formed are continually changing, and although, while floating together on the tide of time the progress is unobserved by all, yet any one on looking back and comparing conditions will perceive a great difference. It was, therefore, pardonable to suppose, that what would in one day be neither advisable nor practicable, might in another day be safe and easy.

Perhaps there is still in my old bosom too much of the youthful ardor of hope, but I do not despair of our country. True it is, that the present state of things has approached with unlooked for rapidity. But in that very circumstance there is a source of comfort. In spite of the power of corruption, there is still, perhaps, enough of public sentiment left to sanctify the approaching misfortunes. Let not good men despair, because the people were not awakened by what has passed. It should be considered, that, in proportion to the size and strength of the patient, and to the dulness of his organs, the dose must be large to operate with effect. The embargo produced so much of nausea, that our State Doctors perceived the necessity of an opiate. Thus, the incipient spasm was lulled, but causes must eventually produce their effects.

This digression leads us, however, from the point of your inquiry. 'How far has the Senate answered the end of its creation?' I answer, farther than was expected, but by no means so far as was wished. It is necessary here to anticipate one of your subsequent questions, 'What has been, and what is now the influence of the State governments on the Federal system? To obtain anything like a check on the rashness of

democracy, it was necessary not only to organize the legislature into different bodies, (for that alone is a poor expedient,) but to endeavor that these bodies should be animated by a different spirit. To this end the States in their corporate capacity were made electors of the Senate; and so long as the State governments had considerable influence, and the consciousness of dignity, which that influence imparts, the Senate felt something of the desired sentiment, and answered in some degree the end of its institution. But that day is past.

This opens to our view a dilemma, which was not unperceived when the Constitution was formed. If the State influence should continue, the union could not last; and, if it did not, the utility of the Senate would cease. It was observed in the Convention at an early day, by one who had afterwards a considerable share of the business, when the necessity of drawing a line between national sovereignty and State independence was insisted on, 'that, if Aaron's rod could not swallow the rods of the Magicians, their rods would swallow his.' But it is one thing to perceive a dilemma, and another thing to get out of it. In the option between two evils, that which appeared to be the least was preferred, and the power of the union provided for. At present the influence of the general government has so thoroughly pervaded every State, that all the little wheels are obliged to turn according to the great one. Factious leaders sometimes snarl and growl, but the curs cannot bite, and are easily lashed into order by the great executive thong. It is pleasant enough to see them drop their tails, and run yelping to the kennel.

A factious spirit prevails from one end of our country to the other. And by that spirit both Senators and Representatives are chosen. By that spirit the government acts; and, as to the provisions of the Constitution, however they may fill up the space of a speech to round of a period, or perfume a flower of rhetoric, they cannot restrain men heated in the chase of party game. Mr Poindexter lately observed with no little truth, that it would be vain to oppose what should be

enjoined under the form of law, because it was forbidden by the Constitution. The Senate, in my poor opinion, is little if any check, either on the President or the House of Representatives. It has not the disposition. The members of both Houses are creatures, which, though differently born, are begotten in the same way and by the same sire. They have of course the same temper. But their opposition, were they disposed to make any, would be feeble. They would easily be borne down by the other House, in which the power resides. The President can indeed do what he pleases, provided always it shall please him to please those, who lead a majority of the Representatives. This matter is understood among the parties concerned. The Representatives, however, do not yet know, that their power has no bound except their discretion; but a pleasant lesson is easily learnt, and the more they feel their power, the less will be their discretion. Authority so placed is liable as well to excess as to abuse, and this country, unless I am much mistaken, will experience not a little of both.

In what has already been said you may find some answer to your question, 'How far the amendments to the Constitution altered its spirit?' These amendments are, generally speaking, mere verbiage. They served to deck out pretending patriots, and dupe those who clamored against an instrument, which it had not pleased God should be such as they could understand. One of them, however, that a State should not be made amenable to justice through the medium of the Supreme Court, was perhaps proper. To bring a State into a court of justice has more of what the French call *le beau idéal*, than of rational policy. For it would not be easy to coerce a corporation, such as New York, for instance, which contains near a million of souls. The other amendments resemble those bills of rights which, to use a fashionable phrase, were all the rage some years ago. It is unwise to annex such things to a form of government. If the rights are secured by the Constitution, to detail them is unnecessary; and if they are not, it is worse

than useless; for the contradiction between two such instruments becomes a source of dangerous contention.

Finally, however, the controversy must be decided by the voice, and, of course, according to the will of the Legislature, whose power a bill of rights is intended to restrain. Moreover, the uncertainty of words, when used by those who understand them best, renders it difficult, perhaps impossible, to express the same thing precisely in two different ways. Now it has been said, that our Constitution is remarkable for the perspicuity of its language, and if so, there was some hazard in attempting to clothe any of its provisions by the (so called) amendments in different terms. It would be a tedious work of supererogation to show, that the original Constitution contained those guards, which form the apparent objects of the amendments.

A more curious, as well as comprehensive view of the subject will present itself, by a recurrence to facts fresh in our memory. Those gentlemen, who patronized and matronized the amendments, have long governed the United States according to their own will and pleasure, as I suppose, though there are those who say, that they act under the dictation of a severe task-master. Now put your finger on the sixth article of the amendments, or bill of rights, call it which you please. It is there written,—'The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.' Had this provision been made after the last supplement to the late embargo law, it might be considered by a giddy populace, as giving them sufficient security against the outrageous proceedings directed by that supplement. But considerate men are not the dupes of patriotic professions, neither will they confide the defence of their liberty to paper bulwarks. Such men never believed that the amendments gave any additional security to life, liber-

ty, or property. But very few in America, perhaps not twenty, could imagine that the very authors of the article, just cited, would be the first to violate it, and that in a manner so flagrant and shameless. Let noisy dramshop politicians roar out their adoration of our divine system, their detestation of despots, and their contempt for the slaves of Britain; you, Sir, well know that neither would a British monarch suggest, nor a British Minister propose, nor a British Parliament dare to enact a statute so hostile to freedom, as that last supplement to the Embargo.

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The reproach, however, would be ineffectual. They would defend themselves by observing, that the great body of American freeholders have such direct interest in the preservation of law and order, that they will stand forth to secure their rights, when the necessity for it shall appear. They would say farther, that such necessity cannot be shown by a course of political ratiocination. Luckily, or to speak with a reverence proper to the occasion, providentially, mankind are not disposed to embark the blessings they enjoy on a voyage of syllogistic adventure, to obtain something more beautiful in exchange. They must feel before they will act. This is proved, not only by the history of other nations, but by our own.

When misfortunes press hard, and not before, the people will look for that wisdom and virtue in which they formerly

found safety. They will then listen to the voice, which, in the wantonness of prosperity, they despised. Then, and not till then, can the true patriot be of any use.

But it is high time to close this long letter. Believe me, I pray, with esteem and respect, &c.

GOUVERNEUR MORRIS.

TO JOHN MURRAY, JUNIOR, CHAIRMAN OF THE COMMITTEE ON SCHOOLS, NEW YORK.

Morrisania, September 23d, 1811.

Sir,

I had the honor to receive your circular letter of the first of July, and have made such inquiries as circumstances would permit. It appears to me, that the Judges of the County Court ought to be most fit for the objects enumerated in your first question, and the County Treasurer for those in the second. The gentlemen holding those offices I am little acquainted with, but foster the hope, that they are and always will be among the most intelligent and respectable members of the community.

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The subject of education has been so often handled, that it would be a vain attempt to say anything, which has not been well said already; and, therefore, I should not permit myself to express an idea, or convey a sentiment, if your request did not combine with the occasion to make it in some sort my duty.

There are, I think, two distinct kinds of education. One, of small comparative value, is the education of the head, or

instruction. The other, of great importance both to individuals and to society, is the education of the heart, or virtuous habits. Instruction is, I believe, considered as the special business of schools, while the care of manners and morals is submitted to parents and preachers. But a little observation may suffice to show, that manners depend principally on example, on the customs of the country in which we reside, and the usages of those with whom we live. Thence it happens, that there are national virtues and vices, as also virtues and vices attached to different stages in the progress of civilization, and to the different stations and situations of men.

How far instruction may promote religion and virtue deserves serious consideration, for more value is attributed, perhaps, to reading and writing, than they truly deserve. I cannot but believe, that if boys were taught to labor industriously in some honest vocation, and girls to perform well the useful business of a family, they would have a better chance to become respectable men, happy women, and good citizens, than if brought up in idleness and dissipation, though with the learning of St Paul. Those who can read have, indeed, the means of meditating on the Holy Writings; but do they improve the opportunity? If we look around us, we shall, I fear, meet more frequently with loose poems, and idle novels, than with Bibles and sermons. It is assumed as an important fact, that useful knowledge is more widely disseminated now, than in days of yore, (thanks to the press and to the general instruction of mankind,) whence it is concluded, that seeds of science being so thickly sown, there must be an abundant harvest of freedom and virtue. But is it certain, that we are more intelligent, more virtuous, and more free, than those Greeks and Romans, who never heard of a gazette? On the relative state of freedom and virtue, there may be much dispute, but notwithstanding those consolatory reflections on our intelligence, which selflove will not fail to dictate, it is notorious, that the excellence of modern artists, orators, poets, and historians, is estimated by the degree in which they approach

the chaste and precious monuments of ancient genius, which have been rescued from the wreck of time.

Speculation may be, perhaps, a legitimate employment for some; but action is the unquestionable duty of most men, if not all. And yet how often is that hour expended on a false and fiery newspaper, which should have been employed in preparing the field, gathering the harvest, or threshing the corn; and when the labor of man has collected the bounties of God, how often are they wasted by the ignorance and idleness of woman? It is no uncommon thing to see a ragged family sit down to a miserable meal, because the wheel stood still, and the pot grew cold, while she, who should have been the tender mother and industrious wife, was conning over in idle rapture some silly tale of a Celia or a Delia, a Pamela or a Clarissa? Nor is that the worst. Too often in these prurient productions are found pictures of pleasure drawn beyond the life, which propel a heated fancy to experiments inconsistent with public morals and domestic peace.

Let it not be supposed, Sir, that I would cut down the tree of knowledge, because the experience of a much varied life has led me to fear, if not to believe with the poet, that a 'little learning is a dangerous thing.' My object is merely to remind you of that knowledge, which is more useful than learning. As I write to the wise, a word is sufficient. The gentlemen of your board will pursue the subject I trust, to good effect, while I confine myself to the humble hope, that they may introduce among the rising generation those habits of virtuous industry, without which earthly blessings are but the means of mischief. I am, &c.

GOUVERNEUR MORRIS.

TO ROBERT R. LIVINGSTON.

Morrisania, October 21st, 1811.

Dear Sir,

I received your letter without date on Saturday evening. The pamphlet contained in it is, I think, well written. It seems to me, that, by the Constitution of the United States, the Congress can secure to inventors the exclusive use of their inventions; that is to say, they can prevent any man within their jurisdiction from using what another has invented, without his permission. But I see no reason why the State shall not go farther, and say, 'no person shall within our jurisdiction use the invention, without the permission of the inventor, nor with it.'

I perceive nothing incompatible in these powers, or contradictory in such laws. Neither do I perceive any difficulty in the case of turnpike roads, ferries, &c. Nor yet in establishing your exclusive right on the Mohawk, Lake George, and other waters within the jurisdiction of the State. Cases may be imagined by acute minds to meet almost any point, but able judges will easily put such cases aside. By the bye, I do not think it safe to rely on the decision in the case of Collet against Collet, although it was substantially correct. It seems to me, that no man should be allowed to claim rights in a character of which he had divested himself. In such cases the duties remain, but not the rights. So that, reversing the question, his plea to the jurisdiction would, I think, have been correctly overruled.

Immediately on the declaration of Independence, those royalties, or sovereign rights, which from their nature belong to the nation in its collective capacity, vested of necessity in the national government. Your case, I think, depends on the question, whether the paramount jurisdiction over Hudson's River, as a navigable arm of the sea, be one of those rights. Until it shall be judicially decided, that the law of this State for building a bridge over an arm of the sound will stand the test

of legal investigation, it can have no influence on that question. Though a thousand such bridges were erected, the practice would not establish a usage having the force of law.

The equity of your case is so strong, that I cannot bring my feelings to obey my judgment. Perhaps the Congress might be induced to pass (as explanatory) a law confirming the State grant, on condition that you purchase at a fair value the boats built by others.

If I had argued your cause, I should cautiously have avoided expressions of ill will to the Albany Company. Permit me to recommend this course in future. The word *monopoly* is of dangerous efficiency. That envy of wealth and talents, which exists everywhere, is a prime mover in States, where popular power is unrestrained by political organisation. It may turn the current of opinion against you, and it is too much the fashion of our day to swim with that current. I am, &c.

GOUVERNEUR MORRIS.

TO BENJAMIN R. MORGAN.

Morrisania, August 20th, 1812.

Dear Sir,

I promised, when at Lancaster in the beginning of last February, to communicate my sentiments on our public affairs, as soon as they should be matured. I should reproach myself for having omitted to write, if, in effect, it had been possible to make up my mind to a decided opinion. But I am obliged to acknowledge, that one of the most essential elements was wanting, to wit, a knowledge of the conduct which our own party in this State would pursue. A considerable share of power over them had been given to, or assumed by, persons whose desire of office raised such a mist before their eyes, as to prevent them from seeing sometimes the correct course.

The measures to be adopted by the Federalists here seemed to me decisive as to those, which would be pursued by our brethren to the East. Not that their faith will in anywise depend on the manner in which we exercise our reason. But a conviction of what is right, and a calculation of what is prudent, are things essentially different. The latter, which is to decide on conduct, must frequently depend on probabilities. You will have seen in the gazettes what passed in a large meeting at New York last Tuesday. I think that the conduct of a considerable majority in this State will be conformable to the sense of the resolutions there passed; especially, if the war be unsuccessful, of which there can be little doubt.

Thus then you may, I think, count on a Convention of delegates from the States east of Pennsylvania. This Convention when met will, I think, determine to have peace, if possible, and not under any circumstances to be bound by a French alliance. What else they may determine, it would be idle now to conjecture. Much must depend on the course, which our national administration may pursue. And that may, I believe, be decided by Pennsylvania.

The question who shall be President is of minor importance. We shall probably support Mr Clinton. As yet that matter is not decided, but I think it admits of little doubt. Suppose, however, that either Mr Clinton or Mr Madison be the successful candidate, it is evident that the opposition party must be very strong; and hence it is not unfair to conclude, that the arguments of most logical weight will come from the mouths of those members, who represent the most physical power. Should those arguments not prove effectual, should the administration turn a deaf ear to those members, the voice of reason will be drowned in a louder voice. I will not say one word as to the special interest of Pennsylvania. That subject is appropriate to herself, and much better understood by you, than by me. I confine myself to the repeated assurance of my conviction, that the fate of America is in her hands. I am, &c.

GOUVERNEUR MORRIS.

LEWIS B. STURGES, IN CONGRESS, WASHINGTON.

Morrisania, December 5th, 1812.

Dear Sir,

I have received, and am much obliged by your favors. I cannot conceive what our administration mean. I hope the causes assigned for the war are not mere pretexts. I know that men warmly engaged in a project may suffer passion to cloud the understanding, and I think Mr Madison cannot help seeing the dilemma, to which he has brought himself.

If Great Britain has no right to take her subjects from our merchant ships, we ought not to pay her for relinquishing the practice. A stipulation to that effect is an acknowledgment of her right, or a submission to her wrong. Surely the President would not, after plunging into war, creep out by paying the enemy to abstain from injustice. If his offer be a mere illusion, which amounts to nothing, it is dishonorable in every point of view; and if it amounts to anything, no matter how trivial, it is an acknowledgment of the right for which it proffers compensation.

But that right cannot be acknowledged, without acknowledging the war to be unjust, and then all questions about the nature, extent, and value of the proposed stipulation must cease. When there is right on one side, and only convenience on the other, he who seeks convenience must pay for it to him who has right. If the desired object be held by the owner at too high a price, that will be a good reason for submitting to the inconvenience, but not for committing violence.

It seems to me that there is but one consistent course; to insist that Great Britain shall, without compensation, give up her claim to the right of search. If that ground be taken, an awful question will arise in some States. Shall they submit to Congress or to God? Both will be impossible, for the war will then be *confessedly*, as it is now impliedly, unjust. I am, &c.

GOUVERNEUR MORRIS.

TO LEWIS B. STURGES, IN CONGRESS.

Morrisania, February 9th, 1813.

Dear Sir,

Yours of the fourth reached me yesterday evening, and although much occupied, I will not omit to convey my views of the proposed law, seeing that you consider it as a snare laid by the government.

Honesty and good sense have little to fear from the snares of cunning. On the present occasion a simple course presents itself. Why not, waving flippant debates, lay down the broad principle of national right, on which Great Britain takes her native seamen from our merchant ships? Let those, who deny this right, pay, suffer, and fight to compel an abandonment of the claim. Men of sound mind will see, and men of sound principle will acknowledge, its existence. But the right established, a law to resist the exercise is iniquitous.

If, on the contrary, it be admitted that no such right exists, we, of necessary consequence, have a right to naturalize British seaman, and protect them against all the world in our merchant ships. But that right established, a law to bind the legislature from using it, provided always that a legislature could be so bound, would be a surrender of our sovereignty. Were I in power, and did I believe in the existence of this supposed right, though I would not have pushed the nation into war for so trivial an object, especially under such obvious disadvantages, yet, being in, I would not agree to the surrender. Territory may be given, taken, or parcelled out, but right is entire, and must be wholly kept or lost. There is no severing its integrity, and to its full support national honor is pledged. Prudence will, under many supposable circumstances, silently submit to wrong, till a favorable moment arrives; but this is very different from abandoning right.

Under these views of the subject, it is not easy to perceive, how men of a clear head and sound heart can support the bill. True it is, that in the world, if not in the House of

Representatives, may be found a different sort of men. These, in pursuing what they conceive to be their interest, prefer a crooked path to a strait one, and call it wisdom. But such men, before they adopt the measure proposed, should consider, that a treaty being a bargain it does not consist with their own maxims to offer a price, before it is known whether the other party will agree. Peradventure he who takes that course may give more for the whistle than the whistle is worth. If he mean, by putting his adversary in the wrong, to conciliate the good opinion of mankind, he should consider whether his offer has a tendency to produce that effect, lest peradventure he should excite ridicule instead of pity.

In the case before us, the bill giving up by implication the claim of right may, when combined with the manifold disgraces of our jack-pudding warfare, be considered as a project to silence by quibbles the fire of seventy-fours. The American people cannot fail to suspect a design to plunge them, by engaging their passions, both in follies and crimes, for the notable purpose of gathering soap bubbles. The day of delusion is past.

They, who were pre-eminent in the Revolutionary war, gave practical lessons of disinterested patriotism. Disdaining professions, they prepared the way for gentlemen professors. The multitude, convinced of the love which men, who did much and said nothing, bore to their country, supposed a still greater love in those who did nothing, but said a great deal. The same multitude, taught by experience, begins to *guess*, that some gentlemen professors of patriotism, like many gentlemen professors of moral philosophy, practise but little of what they preach. If, therefore, this proposed law be a trap set by the administration, they will probably catch in it none but their own birds. I am, &c.

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How far instruction may promote religion and virtue deserves serious consideration, for more value is attributed, perhaps, to reading and writing, than they truly deserve. I cannot but believe, that if boys were taught to labor industriously in some honest vocation, and girls to perform well the useful business of a family, they would have a better chance to become respectable men, happy women, and good citizens, than if brought up in idleness and dissipation, though with the learning of St Paul. Those who can read have, indeed, the means of meditating on the Holy Writings; but do they improve the opportunity? If we look around us, we shall, I fear, meet more frequently with loose poems, and idle novels, than with Bibles and sermons. It is assumed as an important fact, that useful knowledge is more widely disseminated now, than in days of yore, (thanks to the press and to the general instruction of mankind,) whence it is concluded, that seeds of science being so thickly sown, there must be an abundant harvest of freedom and virtue. But is it certain, that we are more intelligent, more virtuous, and more free, than those Greeks and Romans, who never heard of a gazette? On the relative state of freedom and virtue, there may be much dispute, but notwithstanding those consolatory reflections on our intelligence, which selflove will not fail to dictate, it is notorious, that the excellence of modern artists, orators, poets, and historians, is estimated by the degree in which they approach

the chaste and precious monuments of ancient genius, which have been rescued from the wreck of time.

Speculation may be, perhaps, a legitimate employment for some; but action is the unquestionable duty of most men, if not all. And yet how often is that hour expended on a false and fiery newspaper, which should have been employed in preparing the field, gathering the harvest, or threshing the corn; and when the labor of man has collected the bounties of God, how often are they wasted by the ignorance and idleness of woman? It is no uncommon thing to see a ragged family sit down to a miserable meal, because the wheel stood still, and the pot grew cold, while she, who should have been the tender mother and industrious wife, was conning over in idle rapture some silly tale of a Celia or a Delia, a Pamela or a Clarissa? Nor is that the worst. Too often in these prurient productions are found pictures of pleasure drawn beyond the life, which propel a heated fancy to experiments inconsistent with public morals and domestic peace.

Let it not be supposed, Sir, that I would cut down the tree of knowledge, because the experience of a much varied life has led me to fear, if not to believe with the poet, that a 'little learning is a dangerous thing.' My object is merely to remind you of that knowledge, which is more useful than learning. As I write to the wise, a word is sufficient. The gentlemen of your board will pursue the subject I trust, to good effect, while I confine myself to the humble hope, that they may introduce among the rising generation those habits of virtuous industry, without which earthly blessings are but the means of mischief. I am, &c.

GOUVERNEUR MORRIS.

of legal investigation, it can have no influence on that question. Though a thousand such bridges were erected, the practice would not establish a usage having the force of law.

The equity of your case is so strong, that I cannot bring my feelings to obey my judgment. Perhaps the Congress might be induced to pass (as explanatory) a law confirming the State grant, on condition that you purchase at a fair value the boats built by others.

If I had argued your cause, I should cautiously have avoided expressions of ill will to the Albany Company. Permit me to recommend this course in future. The word *monopoly* is of dangerous efficiency. That envy of wealth and talents, which exists everywhere, is a prime mover in States, where popular power is unrestrained by political organisation. It may turn the current of opinion against you, and it is too much the fashion of our day to swim with that current. I am, &c.

GOUVERNEUR MORRIS.

TO BENJAMIN R. MORGAN.

Morrisania, August 20th, 1812.

Dear Sir,

I promised, when at Lancaster in the beginning of last February, to communicate my sentiments on our public affairs, as soon as they should be matured. I should reproach myself for having omitted to write, if, in effect, it had been possible to make up my mind to a decided opinion. But I am obliged to acknowledge, that one of the most essential elements was wanting, to wit, a knowledge of the conduct which our own party in this State would pursue. A considerable share of power over them had been given to, or assumed by, persons whose desire of office raised such a mist before their eyes, as to prevent them from seeing sometimes the correct course.

The measures to be adopted by the Federalists here seemed to me decisive as to those, which would be pursued by our brethren to the East. Not that their faith will in anywise depend on the manner in which we exercise our reason. But a conviction of what is right, and a calculation of what is prudent, are things essentially different. The latter, which is to decide on conduct, must frequently depend on probabilities. You will have seen in the gazettes what passed in a large meeting at New York last Tuesday. I think that the conduct of a considerable majority in this State will be conformable to the sense of the resolutions there passed; especially, if the war be unsuccessful, of which there can be little doubt.

Thus then you may, I think, count on a Convention of delegates from the States east of Pennsylvania. This Convention when met will, I think, determine to have peace, if possible, and not under any circumstances to be bound by a French alliance. What else they may determine, it would be idle now to conjecture. Much must depend on the course, which our national administration may pursue. And that may, I believe, be decided by Pennsylvania.

The question who shall be President is of minor importance. We shall probably support Mr Clinton. As yet that matter is not decided, but I think it admits of little doubt. Suppose, however, that either Mr Clinton or Mr Madison be the successful candidate, it is evident that the opposition party must be very strong; and hence it is not unfair to conclude, that the arguments of most logical weight will come from the mouths of those members, who represent the most physical power. Should those arguments not prove effectual, should the administration turn a deaf ear to those members, the voice of reason will be drowned in a louder voice. I will not say one word as to the special interest of Pennsylvania. That subject is appropriate to herself, and much better understood by you, than by me. I confine myself to the repeated assurance of my conviction, that the fate of America is in her hands. I am, &c.

GOUVERNEUR MORRIS.

LEWIS B. STURGES, IN CONGRESS, WASHINGTON.

Morrisania, December 5th, 1812.

Dear Sir,

I have received, and am much obliged by your favors. I cannot conceive what our administration mean. I hope the causes assigned for the war are not mere pretexts. I know that men warmly engaged in a project may suffer passion to cloud the understanding, and I think Mr Madison cannot help seeing the dilemma, to which he has brought himself.

If Great Britain has no right to take her subjects from our merchant ships, we ought not to pay her for relinquishing the practice. A stipulation to that effect is an acknowledgment of her right, or a submission to her wrong. Surely the President would not, after plunging into war, creep out by paying the enemy to abstain from injustice. If his offer be a mere illusion, which amounts to nothing, it is dishonorable in every point of view; and if it amounts to anything, no matter how trivial, it is an acknowledgment of the right for which it proffers compensation.

But that right cannot be acknowledged, without acknowledging the war to be unjust, and then all questions about the nature, extent, and value of the proposed stipulation must cease. When there is right on one side, and only convenience on the other, he who seeks convenience must pay for it to him who has right. If the desired object be held by the owner at too high a price, that will be a good reason for submitting to the inconvenience, but not for committing violence.

It seems to me that there is but one consistent course; to insist that Great Britain shall, without compensation, give up her claim to the right of search. If that ground be taken, an awful question will arise in some States. Shall they submit to Congress or to God? Both will be impossible, for the war will then be *confessedly*, as it is now impliedly, unjust. I am, &c.

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TO LEWIS B. STURGES, IN CONGRESS.

Morrisania, February 9th, 1813.

Dear Sir,

Yours of the fourth reached me yesterday evening, and although much occupied, I will not omit to convey my views of the proposed law, seeing that you consider it as a snare laid by the government.

Honesty and good sense have little to fear from the snares of cunning. On the present occasion a simple course presents itself. Why not, waving flippant debates, lay down the broad principle of national right, on which Great Britain takes her native seamen from our merchant ships? Let those, who deny this right, pay, suffer, and fight to compel an abandonment of the claim. Men of sound mind will see, and men of sound principle will acknowledge, its existence. But the right established, a law to resist the exercise is iniquitous.

If, on the contrary, it be admitted that no such right exists, we, of necessary consequence, have a right to naturalize British seaman, and protect them against all the world in our merchant ships. But that right established, a law to bind the legislature from using it, provided always that a legislature could be so bound, would be a surrender of our sovereignty. Were I in power, and did I believe in the existence of this supposed right, though I would not have pushed the nation into war for so trivial an object, especially under such obvious disadvantages, yet, being in, I would not agree to the surrender. Territory may be given, taken, or parcelled out, but right is entire, and must be wholly kept or lost. There is no severing its integrity, and to its full support national honor is pledged. Prudence will, under many supposable circumstances, silently submit to wrong, till a favorable moment arrives; but this is very different from abandoning right.

Under these views of the subject, it is not easy to perceive, how men of a clear head and sound heart can support the bill. True it is, that in the world, if not in the House of

Representatives, may be found a different sort of men. These, in pursuing what they conceive to be their interest, prefer a crooked path to a strait one, and call it wisdom. But such men, before they adopt the measure proposed, should consider, that a treaty being a bargain it does not consist with their own maxims to offer a price, before it is known whether the other party will agree. Peradventure he who takes that course may give more for the whistle than the whistle is worth. If he mean, by putting his adversary in the wrong, to conciliate the good opinion of mankind, he should consider whether his offer has a tendency to produce that effect, lest peradventure he should excite ridicule instead of pity.

In the case before us, the bill giving up by implication the claim of right may, when combined with the manifold disgraces of our jack-pudding warfare, be considered as a project to silence by quibbles the fire of seventy-fours. The American people cannot fail to suspect a design to plunge them, by engaging their passions, both in follies and crimes, for the notable purpose of gathering soap bubbles. The day of delusion is past.

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It must not, however, be concluded, that the American people are prepared for the yoke of despotism. Should power revert to Federal hands, and should they, presuming on the precedent, attempt anything one tenth part as improper, they would soon be made sensible of the difference. But it is an evil inseparable from democracy, that the leaders of that faction, which includes the lower class of citizens, may commit the greatest excesses with impunity. This my friend Hamilton distinctly foresaw, and would, were he now alive, reproach his intimate friends for their attachment to a government so liable to abuse.

The reproach, however, would be ineffectual. They would defend themselves by observing, that the great body of American freeholders have such direct interest in the preservation of law and order, that they will stand forth to secure their rights, when the necessity for it shall appear. They would say farther, that such necessity cannot be shown by a course of political ratiocination. Luckily, or to speak with a reverence proper to the occasion, providentially, mankind are not disposed to embark the blessings they enjoy on a voyage of syllogistic adventure, to obtain something more beautiful in exchange. They must feel before they will act. This is proved, not only by the history of other nations, but by our own.

When misfortunes press hard, and not before, the people will look for that wisdom and virtue in which they formerly

found safety. They will then listen to the voice, which, in the wantonness of prosperity, they despised. Then, and not till then, can the true patriot be of any use.

But it is high time to close this long letter. Believe me, I pray, with esteem and respect, &c.

GOUVERNEUR MORRIS.

TO JOHN MURRAY, JUNIOR, CHAIRMAN OF THE COMMITTEE ON SCHOOLS, NEW YORK.

Morrisania, September 23d, 1811.

Sir,

I had the honor to receive your circular letter of the first of July, and have made such inquiries as circumstances would permit. It appears to me, that the Judges of the County Court ought to be most fit for the objects enumerated in your first question, and the County Treasurer for those in the second. The gentlemen holding those offices I am little acquainted with, but foster the hope, that they are and always will be among the most intelligent and respectable members of the community.

The county of West Chester is not divided into school districts, and I have not been able to learn the number of schools or of scholars. The method of instruction depends, I believe, on the will of the respective teachers, whose schools are generally kept up during the whole year, supported by quarterly or monthly stipends from their pupils.

The subject of education has been so often handled, that it would be a vain attempt to say anything, which has not been well said already; and, therefore, I should not permit myself to express an idea, or convey a sentiment, if your request did not combine with the occasion to make it in some sort my duty.

There are, I think, two distinct kinds of education. One, of small comparative value, is the education of the head, or

the chaste and precious monuments of ancient genius, which have been rescued from the wreck of time.

Speculation may be, perhaps, a legitimate employment for some; but action is the unquestionable duty of most men, if not all. And yet how often is that hour expended on a false and fiery newspaper, which should have been employed in preparing the field, gathering the harvest, or thresbing the corn; and when the labor of man has collected the bounties of God, how often are they wasted by the ignorance and idleness of woman? It is no uncommon thing to see a ragged family sit down to a miserable meal, because the wheel stood still, and the pot grew cold, while she, who should have been the tender mother and industrious wife, was conning over in idle rapture some silly tale of a Celia or a Delia, a Pamela or a Clarissa? Nor is that the worst. Too often in these prurient productions are found pictures of pleasure drawn beyond the life, which propel a heated fancy to experiments inconsistent with public morals and domestic peace.

Let it not be supposed, Sir, that I would cut down the tree of knowledge, because the experience of a much varied life has led me to fear, if not to believe with the poet, that a 'little learning is a dangerous thing.' My object is merely to remind you of that knowledge, which is more useful than learning. As I write to the wise, a word is sufficient. The gentlemen of your board will pursue the subject I trust, to good effect, while I confine myself to the humble hope, that they may introduce among the rising generation those habits of virtuous industry, without which earthly blessings are but the means of mischief. I am, &c.

GOUVERNEUR MORRIS.

you please, two thousand dollars will be no great addition to the premium of insurance on vessel and cargo.

I find another seaman's bill is sent up to you from the House of Representatives. By what right do those gentlemen meddle with treaties? I humbly conceive, that even the Senate ought not to initiate a treaty; for, in so doing, they hazard their own dignity and the public interest. If the executive make a bargain on better terms, your imprudence will give lustre to his discretion; and should he sacrifice an important, to secure a trivial object, he will take advantage of your restriction to palliate his indiscretion or prodigality. He frequently possesses information withheld from you, so that, in playing the political game, he sees both your cards and his own. Put yourself in the place of a negotiator, whose instructions are public as the highway, if possible; for no honorable man would accept the office under such circumstances. Sycophants indeed may be found content to forego honor, so that, without incurring responsibility, they may pocket some miserable dollars. But are such creatures fit to represent this nation?

Indulge me in noticing an opinion, which has, I hear, been taken up by some men of understanding, and which has some how or other gained currency; namely, that a treaty may be made with Great Britain, on the terms proffered by her and refused by us, provided the common-place salvo, '*saving to the parties their respective rights*,' be inserted. This notion has not, I believe, been duly considered, and leads to expectations, which may not be realized.

When nations at war, to acquire a town, province, or kingdom, find it necessary that to make peace the thing in contest be left in possession of one, or divided among several, the clause may be inserted as a kind of solace to losing or dissatisfied parties. Let it be noted, nevertheless, that it converts such a treaty of peace into a mere armistice.

But when nations are at war on abstract points of right, the case is widely different. Suppose that, in 1782, instead of

of legal investigation, it can have no influence on that question. Though a thousand such bridges were erected, the practice would not establish a usage having the force of law.

The equity of your case is so strong, that I cannot bring my feelings to obey my judgment. Perhaps the Congress might be induced to pass (as explanatory) a law confirming the State grant, on condition that you purchase at a fair value the boats built by others.

If I had argued your cause, I should cautiously have avoided expressions of ill will to the Albany Company. Permit me to recommend this course in future. The word *monopoly* is of dangerous efficiency. That envy of wealth and talents, which exists everywhere, is a prime mover in States, where popular power is unrestrained by political organisation. It may turn the current of opinion against you, and it is too much the fashion of our day to swim with that current. I am, &c.

GOUVERNEUR MORRIS.

TO BENJAMIN R. MORGAN.

Morrisania, August 20th, 1812.

Dear Sir,

I promised, when at Lancaster in the beginning of last February, to communicate my sentiments on our public affairs, as soon as they should be matured. I should reproach myself for having omitted to write, if, in effect, it had been possible to make up my mind to a decided opinion. But I am obliged to acknowledge, that one of the most essential elements was wanting, to wit, a knowledge of the conduct which our own party in this State would pursue. A considerable share of power over them had been given to, or assumed by, persons whose desire of office raised such a mist before their eyes, as to prevent them from seeing sometimes the correct course.

TO DAVID B. OGDEN.

Morrisania, April 5th, 1813.

My Dear Sir,

In our last conversation although you agreed, that every honest opposition should be made to Mr Madison's loan, yet you seemed to apprehend, that no honest principle could be relied on to refuse making provision hereafter for his present expenditure. The debt, you say, being contracted according to the forms of the Constitution, public faith is pledged and must be redeemed.

This I take to be the main strength of the argument on that side of the question; but there is a consideration coupled with it by some, which will not have the weight of a straw in your mind, but may help those, who, in pursuit of large profit, endeavor to deceive both themselves and others. Federalists, they say, ought to seize the occasion for laying direct taxes by the aid of Democrats, because such taxes are necessary, and those, who lay them, will incur public displeasure.

First, it appears to me a strange notion, that we should go out of our way to render ourselves odious by doing what is wrong, merely that our adversaries may become odious too. But, secondly, if they should, as they certainly would, oppose direct taxes, the odium must fall on us, and they, after a long course of criminal conduct, would secure the continuance of public confidence by our folly. Were it right to lay such taxes, the unpopularity ought not to deter honest men; but policy, so far as it can be separated from honesty, would indicate a course the reverse of what these gentlemen propose. It would direct us to oppose such taxes, and leave all the credit of them, if laid, with our opponents. Thirdly, I consider some of the direct taxes, which overturned a former administration, as neither wise nor just, wherefore in no case should recourse be had to them. And, lastly, I perceive no necessity for taxes, but think the duties may be greatly reduced, unless we take on our shoulders the burden of this

LEWIS B. STURGES, IN CONGRESS, WASHINGTON.

Morrisania, December 5th, 1812.

Dear Sir,

I have received, and am much obliged by your favors. I cannot conceive what our administration mean. I hope the causes assigned for the war are not mere pretexts. I know that men warmly engaged in a project may suffer passion to cloud the understanding, and I think Mr Madison cannot help seeing the dilemma, to which he has brought himself.

If Great Britain has no right to take her subjects from our merchant ships, we ought not to pay her for relinquishing the practice. A stipulation to that effect is an acknowledgment of her right, or a submission to her wrong. Surely the President would not, after plunging into war, creep out by paying the enemy to abstain from injustice. If his offer be a mere illusion, which amounts to nothing, it is dishonorable in every point of view; and if it amounts to anything, no matter how trivial, it is an acknowledgment of the right for which it proffers compensation.

But that right cannot be acknowledged, without acknowledging the war to be unjust, and then all questions about the nature, extent, and value of the proposed stipulation must cease. When there is right on one side, and only convenience on the other, he who seeks convenience must pay for it to him who has right. If the desired object be held by the owner at too high a price, that will be a good reason for submitting to the inconvenience, but not for committing violence.

It seems to me that there is but one consistent course; to insist that Great Britain shall, without compensation, give up her claim to the right of search. If that ground be taken, an awful question will arise in some States. Shall they submit to Congress or to God? Both will be impossible, for the war will then be *confessedly*, as it is now impliedly, unjust. I am, &c.

GOUVERNEUR MORRIS.

TO LEWIS B. STURGES, IN CONGRESS.

Morrisania, February 9th, 1813.

Dear Sir,

Yours of the fourth reached me yesterday evening, and although much occupied, I will not omit to convey my views of the proposed law, seeing that you consider it as a snare laid by the government.

Honesty and good sense have little to fear from the snares of cunning. On the present occasion a simple course presents itself. Why not, waving flippant debates, lay down the broad principle of national right, on which Great Britain takes her native seamen from our merchant ships? Let those, who deny this right, pay, suffer, and fight to compel an abandonment of the claim. Men of sound mind will see, and men of sound principle will acknowledge, its existence. But the right established, a law to resist the exercise is iniquitous.

If, on the contrary, it be admitted that no such right exists, we, of necessary consequence, have a right to naturalize British seaman, and protect them against all the world in our merchant ships. But that right established, a law to bind the legislature from using it, provided always that a legislature could be so bound, would be a surrender of our sovereignty. Were I in power, and did I believe in the existence of this supposed right, though I would not have pushed the nation into war for so trivial an object, especially under such obvious disadvantages, yet, being in, I would not agree to the surrender. Territory may be given, taken, or parcelled out, but right is entire, and must be wholly kept or lost. There is no severing its integrity, and to its full support national honor is pledged. Prudence will, under many supposable circumstances, silently submit to wrong, till a favorable moment arrives; but this is very different from abandoning right.

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In the case before us, the bill giving up by implication the claim of right may, when combined with the manifold disgraces of our jack-pudding warfare, be considered as a project to silence by quibbles the fire of seventy-fours. The American people cannot fail to suspect a design to plunge them, by engaging their passions, both in follies and crimes, for the notable purpose of gathering soap bubbles. The day of delusion is past.

They, who were pre-eminent in the Revolutionary war, gave practical lessons of disinterested patriotism. Disdaining professions, they prepared the way for gentlemen professors. The multitude, convinced of the love which men, who did much and said nothing, bore to their country, supposed a still greater love in those who did nothing, but said a great deal. The same multitude, taught by experience, begins to *guess*, that some gentlemen professors of patriotism, like many gentlemen professors of moral philosophy, practise but little of what they preach. If, therefore, this proposed law be a trap set by the administration, they will probably catch in it none but their own birds. I am, &c.

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I had the honor to receive your circular letter of the first of July, and have made such inquiries as circumstances would permit. It appears to me, that the Judges of the County Court ought to be most fit for the objects enumerated in your first question, and the County Treasurer for those in the second. The gentlemen holding those offices I am little acquainted with, but foster the hope, that they are and always will be among the most intelligent and respectable members of the community.

The county of West Chester is not divided into school districts, and I have not been able to learn the number of schools or of scholars. The method of instruction depends, I believe, on the will of the respective teachers, whose schools are generally kept up during the whole year, supported by quarterly or monthly stipends from their pupils.

The subject of education has been so often handled, that it would be a vain attempt to say anything, which has not been well said already; and, therefore, I should not permit myself to express an idea, or convey a sentiment, if your request did not combine with the occasion to make it in some sort my duty.

There are, I think, two distinct kinds of education. One, of small comparative value, is the education of the head, or

instruction. The other, of great importance both to individuals and to society, is the education of the heart, or virtuous habits. Instruction is, I believe, considered as the special business of schools, while the care of manners and morals is submitted to parents and preachers. But a little observation may suffice to show, that manners depend principally on example, on the customs of the country in which we reside, and the usages of those with whom we live. Thence it happens, that there are national virtues and vices, as also virtues and vices attached to different stages in the progress of civilization, and to the different stations and situations of men.

How far instruction may promote religion and virtue deserves serious consideration, for more value is attributed, perhaps, to reading and writing, than they truly deserve. I cannot but believe, that if boys were taught to labor industriously in some honest vocation, and girls to perform well the useful business of a family, they would have a better chance to become respectable men, happy women, and good citizens, than if brought up in idleness and dissipation, though with the learning of St Paul. Those who can read have, indeed, the means of meditating on the Holy Writings; but do they improve the opportunity? If we look around us, we shall, I fear, meet more frequently with loose poems, and idle novels, than with Bibles and sermons. It is assumed as an important fact, that useful knowledge is more widely disseminated now, than in days of yore, (thanks to the press and to the general instruction of mankind,) whence it is concluded, that seeds of science being so thickly sown, there must be an abundant harvest of freedom and virtue. But is it certain, that we are more intelligent, more virtuous, and more free, than those Greeks and Romans, who never heard of a gazette? On the relative state of freedom and virtue, there may be much dispute, but notwithstanding those consolatory reflections on our intelligence, which selflove will not fail to dictate, it is notorious, that the excellence of modern artists, orators, poets, and historians, is estimated by the degree in which they approach

the chaste and precious monuments of ancient genius, which have been rescued from the wreck of time.

Speculation may be, perhaps, a legitimate employment for some; but action is the unquestionable duty of most men, if not all. And yet how often is that hour expended on a false and fiery newspaper, which should have been employed in preparing the field, gathering the harvest, or threshing the corn; and when the labor of man has collected the bounties of God, how often are they wasted by the ignorance and idleness of woman? It is no uncommon thing to see a ragged family sit down to a miserable meal, because the wheel stood still, and the pot grew cold, while she, who should have been the tender mother and industrious wife, was conning over in idle rapture some silly tale of a Celia or a Delia, a Pamela or a Clarissa? Nor is that the worst. Too often in these prurient productions are found pictures of pleasure drawn beyond the life, which propel a heated fancy to experiments inconsistent with public morals and domestic peace.

Let it not be supposed, Sir, that I would cut down the tree of knowledge, because the experience of a much varied life has led me to fear, if not to believe with the poet, that a 'little learning is a dangerous thing.' My object is merely to remind you of that knowledge, which is more useful than learning. As I write to the wise, a word is sufficient. The gentlemen of your board will pursue the subject I trust, to good effect, while I confine myself to the humble hope, that they may introduce among the rising generation those habits of virtuous industry, without which earthly blessings are but the means of mischief. I am, &c.

GOUVERNEUR MORRIS.

TO ROBERT R. LIVINGSTON.

Morrisania, October 21st, 1811.

Dear Sir,

I received your letter without date on Saturday evening. The pamphlet contained in it is, I think, well written. It seems to me, that, by the Constitution of the United States, the Congress can secure to inventors the exclusive use of their inventions; that is to say, they can prevent any man within their jurisdiction from using what another has invented, without his permission. But I see no reason why the State shall not go farther, and say, 'no person shall within our jurisdiction use the invention, without the permission of the inventor, nor with it.'

I perceive nothing incompatible in these powers, or contradictory in such laws. Neither do I perceive any difficulty in the case of turnpike roads, ferries, &c. Nor yet in establishing your exclusive right on the Mohawk, Lake George, and other waters within the jurisdiction of the State. Cases may be imagined by acute minds to meet almost any point, but able judges will easily put such cases aside. By the bye, I do not think it safe to rely on the decision in the case of Collet against Collet, although it was substantially correct. It seems to me, that no man should be allowed to claim rights in a character of which he had divested himself. In such cases the duties remain, but not the rights. So that, reversing the question, his plea to the jurisdiction would, I think, have been correctly overruled.

Immediately on the declaration of Independence, those royalties, or sovereign rights, which from their nature belong to the nation in its collective capacity, vested of necessity in the national government. Your case, I think, depends on the question, whether the paramount jurisdiction over Hudson's River, as a navigable arm of the sea, be one of those rights. Until it shall be judicially decided, that the law of this State for building a bridge over an arm of the sound will stand the test

of legal investigation, it can have no influence on that question. Though a thousand such bridges were erected, the practice would not establish a usage having the force of law.

The equity of your case is so strong, that I cannot bring my feelings to obey my judgment. Perhaps the Congress might be induced to pass (as explanatory) a law confirming the State grant, on condition that you purchase at a fair value the boats built by others.

If I had argued your cause, I should cautiously have avoided expressions of ill will to the Albany Company. Permit me to recommend this course in future. The word *monopoly* is of dangerous efficiency. That envy of wealth and talents, which exists everywhere, is a prime mover in States, where popular power is unrestrained by political organisation. It may turn the current of opinion against you, and it is too much the fashion of our day to swim with that current. I am, &c.

GOUVERNEUR MORRIS.

TO BENJAMIN R. MORGAN.

Morrisania, August 20th, 1812.

Dear Sir,

I promised, when at Lancaster in the beginning of last February, to communicate my sentiments on our public affairs, as soon as they should be matured. I should reproach myself for having omitted to write, if, in effect, it had been possible to make up my mind to a decided opinion. But I am obliged to acknowledge, that one of the most essential elements was wanting, to wit, a knowledge of the conduct which our own party in this State would pursue. A considerable share of power over them had been given to, or assumed by, persons whose desire of office raised such a mist before their eyes, as to prevent them from seeing sometimes the correct course.

The measures to be adopted by the Federalists here seemed to me decisive as to those, which would be pursued by our brethren to the East. Not that their faith will in anywise depend on the manner in which we exercise our reason. But a conviction of what is right, and a calculation of what is prudent, are things essentially different. The latter, which is to decide on conduct, must frequently depend on probabilities. You will have seen in the gazettes what passed in a large meeting at New York last Tuesday. I think that the conduct of a considerable majority in this State will be conformable to the sense of the resolutions there passed; especially, if the war be unsuccessful, of which there can be little doubt.

Thus then you may, I think, count on a Convention of delegates from the States east of Pennsylvania. This Convention when met will, I think, determine to have peace, if possible, and not under any circumstances to be bound by a French alliance. What else they may determine, it would be idle now to conjecture. Much must depend on the course, which our national administration may pursue. And that may, I believe, be decided by Pennsylvania.

The question who shall be President is of minor importance. We shall probably support Mr Clinton. As yet that matter is not decided, but I think it admits of little doubt. Suppose, however, that either Mr Clinton or Mr Madison be the successful candidate, it is evident that the opposition party must be very strong; and hence it is not unfair to conclude, that the arguments of most logical weight will come from the mouths of those members, who represent the most physical power. Should those arguments not prove effectual, should the administration turn a deaf ear to those members, the voice of reason will be drowned in a louder voice. I will not say one word as to the special interest of Pennsylvania. That subject is appropriate to herself, and much better understood by you, than by me. I confine myself to the repeated assurance of my conviction, that the fate of America is in her hands. I am, &c.

GOUVERNEUR MORRIS.

LEWIS B. STURGES, IN CONGRESS, WASHINGTON.

Morrisania, December 5th, 1812.

Dear Sir,

I have received, and am much obliged by your favors. I cannot conceive what our administration mean. I hope the causes assigned for the war are not mere pretexts. I know that men warmly engaged in a project may suffer passion to cloud the understanding, and I think Mr Madison cannot help seeing the dilemma, to which he has brought himself.

If Great Britain has no right to take her subjects from our merchant ships, we ought not to pay her for relinquishing the practice. A stipulation to that effect is an acknowledgment of her right, or a submission to her wrong. Surely the President would not, after plunging into war, creep out by paying the enemy to abstain from injustice. If his offer be a mere illusion, which amounts to nothing, it is dishonorable in every point of view; and if it amounts to anything, no matter how trivial, it is an acknowledgment of the right for which it proffers compensation.

But that right cannot be acknowledged, without acknowledging the war to be unjust, and then all questions about the nature, extent, and value of the proposed stipulation must cease. When there is right on one side, and only convenience on the other, he who seeks convenience must pay for it to him who has right. If the desired object be held by the owner at too high a price, that will be a good reason for submitting to the inconvenience, but not for committing violence.

It seems to me that there is but one consistent course; to insist that Great Britain shall, without compensation, give up her claim to the right of search. If that ground be taken, an awful question will arise in some States. Shall they submit to Congress or to God? Both will be impossible, for the war will then be *confessedly*, as it is now impliedly, unjust. I am, &c.

GOUVERNEUR MORRIS.

TO LEWIS B. STURGES, IN CONGRESS.

Morrisania, February 9th, 1813.

Dear Sir,

Yours of the fourth reached me yesterday evening, and although much occupied, I will not omit to convey my views of the proposed law, seeing that you consider it as a snare laid by the government.

Honesty and good sense have little to fear from the snares of cunning. On the present occasion a simple course presents itself. Why not, waving flippant debates, lay down the broad principle of national right, on which Great Britain takes her native seamen from our merchant ships? Let those, who deny this right, pay, suffer, and fight to compel an abandonment of the claim. Men of sound mind will see, and men of sound principle will acknowledge, its existence. But the right established, a law to resist the exercise is iniquitous.

If, on the contrary, it be admitted that no such right exists, we, of necessary consequence, have a right to naturalize British seaman, and protect them against all the world in our merchant ships. But that right established, a law to bind the legislature from using it, provided always that a legislature could be so bound, would be a surrender of our sovereignty. Were I in power, and did I believe in the existence of this supposed right, though I would not have pushed the nation into war for so trivial an object, especially under such obvious disadvantages, yet, being in, I would not agree to the surrender. Territory may be given, taken, or parcelled out, but right is entire, and must be wholly kept or lost. There is no severing its integrity, and to its full support national honor is pledged. Prudence will, under many supposable circumstances, silently submit to wrong, till a favorable moment arrives; but this is very different from abandoning right.

Under these views of the subject, it is not easy to perceive, how men of a clear head and sound heart can support the bill. True it is, that in the world, if not in the House of

Representatives, may be found a different sort of men. These, in pursuing what they conceive to be their interest, prefer a crooked path to a strait one, and call it wisdom. But such men, before they adopt the measure proposed, should consider, that a treaty being a bargain it does not consist with their own maxims to offer a price, before it is known whether the other party will agree. Peradventure he who takes that course may give more for the whistle than the whistle is worth. If he mean, by putting his adversary in the wrong, to conciliate the good opinion of mankind, he should consider whether his offer has a tendency to produce that effect, lest peradventure he should excite ridicule instead of pity.

In the case before us, the bill giving up by implication the claim of right may, when combined with the manifold disgraces of our jack-pudding warfare, be considered as a project to silence by quibbles the fire of seventy-fours. The American people cannot fail to suspect a design to plunge them, by engaging their passions, both in follies and crimes, for the notable purpose of gathering soap bubbles. The day of delusion is past.

They, who were pre-eminent in the Revolutionary war, gave practical lessons of disinterested patriotism. Disdaining professions, they prepared the way for gentlemen professors. The multitude, convinced of the love which men, who did much and said nothing, bore to their country, supposed a still greater love in those who did nothing, but said a great deal. The same multitude, taught by experience, begins to *guess*, that some gentlemen professors of patriotism, like many gentlemen professors of moral philosophy, practise but little of what they preach. If, therefore, this proposed law be a trap set by the administration, they will probably catch in it none but their own birds. I am, &c.

GOUVERNEUR MORRIS.

TO M. LERAY DE CHAUMONT, PARIS.

New York, February 14th, 1818.

Dear Sir,

It was the other day a question in mixed company, which could give the best security, the United States, which are endeavoring to borrow large sums and meet with but little success, or the State of New York, to which the merchants, being now shut out from business by the war, would gladly entrust a part of their capital.

The gentlemen, who argued the superiority of the United States, insisted much on the land they possess, as a fund that would eventually pay what they owe, even if the union should be severed in consequence of the war.

His opponent replied, and satisfactorily I believe to every one present, that if the possession of land gave security, New York had land enough, but land could be of no use to pay the interest. Moreover, he observed, that if the union of the States should be broken, a question would arise as to the future owner of their land, now a joint property, and until that was settled the land could not be sold. But, said he, gentlemen, neither the State nor the United States can give any other pledge to creditors, than the public faith; for it is no more a violation of faith to repeal the law, which pledges land, than to refuse or to change the appropriation of funds for payment of interest annually, and the principal eventually. In deciding the question, therefore, it is only to be considered, whether this State or the United States are most likely to preserve faith; to which effect it seems to me most prudent to inquire, which has the greatest interest in preserving it inviolate. Now it is evident, that New York, being a commercial State, would lose more than she could gain by an act of such flagrant injustice. But not so the United States. A majority of them is not commercial, and the experience of all ages has proved, that the government of countries not commercial is seldom nice in money matters.

As subjects of this sort are frequently talked of here, they may perhaps occur where you are. I thought, therefore, it might gratify your curiosity to know the opinion of our most discreet men. If I am mistaken, have the goodness to excuse me for making you pay the postage of this letter. I am, &c.

GOUVERNEUR MORRIS.

TO DAVID PARISH, PHILADELPHIA.

Morrisania, February 18th, 1818.

Dear Sir,

On what ground the seaman's bill was supported by honorable, intelligent men, I am at a loss to conceive. If the right claimed by Britain were not ancient and unquestionable, but, as some suppose, a doubtful case of the first impression, it would be our interest to join with her, and, failing the reason, make it by general compact a conventional article of public law. But putting this on one side, why pass a bill about it, instead of leaving the President to treat under his constitutional responsibility? His stipulations, duly approved by the Senate, become the paramount law. Why then will the Representatives, like journeymen bakers, knead the dough of treaty, unless they mean in the same capacity to heat the oven of war?

A notion is current from mouth to mouth, that, after fighting on a question of abstract right, nothing is easier than to heal all wounds with the balsam of those cabalistic words, 'each party saving its respective rights.' This may be sound diplomacy, but, brought down from that planetary sphere to the earthly orbit of common sense, it is not quite intelligible to plain men. A having taken B's horse, they quarrel, fight, and then agree, after describing the nag, that A may ride him, 'saving to each party its respective rights.' Now suppose, that, the agreement made and A putting his foot in the stirrup, B

should stop him, and, to the charge of perfidy, reply, 'our respective rights are saved, wherefore the horse being mine, I have a right to lock him up in my stable. This right I mean to exercise.' In this case let the question be answered, was B guilty of a breach of contract? Let those, who say No, point out the value of the contract to A. Let those, who say Aye, point out the value of the contract to B, and especially what right he has saved by the saving clause. Certainly no right to the horse.

Perhaps it is owing to the dulness of my comprehension, but really those honied words appear to me a mere *Abracadabra* to gull the politicians of a coffee house in the present day, and provide matter of dispute for politicians of some other house at a future day. I prefer the household prudence of my great grandmother, who cautioned those that darn stockings not to make two holes in trying to stop one. I am, &c.

GOUVERNEUR MORRIS.

TO SAMUEL W. DANA, SENATOR IN CONGRESS.

Morrisania, February 20th, 1813.

Dear Sir,

I received, last evening, a bill concerning seamen under your cover; whence I conclude it to be your wish, that I should make such observations as occur to me.

Is it worth while to notice persons, not natives, who were here previous to 1783? If any of them are alive they must be very old.

Why give certain powers therein contained to the President? Remember his proclamation. *Hunc tu, Romane, caveto.*

Why provide for apprentices not natives? What will they do when out of their time?

Why provide for naturalized citizens? There has been much idle declamation about the rights of these people. Suppose one of them should say, 'Sir, I became an American citizen,

that I might exercise my profession to greater advantage. By this law I am defrauded.' Surely it is a sufficient answer to say, 'Sir, you may exercise your profession still. We never covenanted with you, that we would not give a preference to natives.' I think, my dear Sir, it is high time to declare publicly, audibly, and distinctly, that we protect naturalized citizens only while within our territory.

Respecting seamen, my original idea was, that they should be registered in the Courts of Admiralty, on proof made to the judge, that they are natives; leaving him to say what evidence he wants in each case. That the register keep alphabetical lists with a proper designation of each person, and give, when duly required and paid, certificates to the registers of other courts. That the list of the ship's company, containing a description of each native, and the destination of the ship, be certified by the register under seal of the court. That the register inform his brethren of the seamen on their respective registers, the voyage, name of the ship, &c. that each may take due note thereof. The desertions, &c. noted on return voyages to be transmitted in the same way, so that the number unregistered may be near the truth. Annual returns from each court to be made to the Secretary of the Navy. The Admiralties are, if I may say so, natural guardians of public law and public peace. Their acts merit, and will obtain, credit. I am afraid of custom-house officers. I am afraid, too, of testimony taken in one place and judged of in another. Affidavits before justices are reeds too slender, I fear, to support national tranquillity.

It will be objected to your bill, and to every other provision, that trade is thereby subjected to expense and embarrassment. Let those, who say so, take off high duties. Merchants can then pay high wages to *natives*, leaving foreigners to work on or along the shore. If in a voyage to China, a ship of five hundred tons cost fifty dollars per month additional wages, or twice fifty, the fourteen to fifteen hundred, or, if

you please, two thousand dollars will be no great addition to the premium of insurance on vessel and cargo.

I find another seaman's bill is sent up to you from the House of Representatives. By what right do those gentlemen meddle with treaties? I humbly conceive, that even the Senate ought not to initiate a treaty; for, in so doing, they hazard their own dignity and the public interest. If the executive make a bargain on better terms, your imprudence will give lustre to his discretion; and should he sacrifice an important, to secure a trivial object, he will take advantage of your restriction to palliate his indiscretion or prodigality. He frequently possesses information withheld from you, so that, in playing the political game, he sees both your cards and his own. Put yourself in the place of a negotiator, whose instructions are public as the highway, if possible; for no honorable man would accept the office under such circumstances. Sycophants indeed may be found content to forego honor, so that, without incurring responsibility, they may pocket some miserable dollars. But are such creatures fit to represent this nation?

Indulge me in noticing an opinion, which has, I hear, been taken up by some men of understanding, and which has some how or other gained currency; namely, that a treaty may be made with Great Britain, on the terms proffered by her and refused by us, provided the common-place salvo, '*saving to the parties their respective rights*,' be inserted. This notion has not, I believe, been duly considered, and leads to expectations, which may not be realized.

When nations at war, to acquire a town, province, or kingdom, find it necessary that to make peace the thing in contest be left in possession of one, or divided among several, the clause may be inserted as a kind of solace to losing or dissatisfied parties. Let it be noted, nevertheless, that it converts such a treaty of peace into a mere armistice.

But when nations are at war on abstract points of right, the case is widely different. Suppose that, in 1782, instead of

insisting on the acknowledgment of our independence, we had simply made peace, and inserted this clause; what would have been the condition of the contracting parties? In the present case, Britain claims a right to take, and America to hold, the same identical man in the same identical place. Suppose that, in consequence of stipulations, such, if you please, as are contained in the bill above mentioned, Britain should promise not to take the man, provided we do not repeal but with good faith execute our law, 'saving the rights of the respective parties.' What will the treaty amount to? Inasmuch as there is no common judge to decide on those respective rights, each party must judge for himself. Each, therefore, will renew his present claim. Britain will possess the same right to take, and America to hold, so that the treaty will be void the moment it is made, unless, rejecting the clause, it be interpreted according to its general tenor and plain intent. To these, then, the attention of negotiators and expositors must be turned; and if, as the natural course seems to indicate, we agree to do certain acts on condition that she cease to do certain other acts, the legitimate construction must be, that she suspends the exercise of her right so long as we regularly pay the stipulated price, that is, so long as we faithfully perform our Conventions. Evidently, then, these Conventions, whatever they may be, acknowledge her right, and the wonder-working clause is mere verbiage to save our President's dignity.

If it were nothing more, I should say nothing about it; being well content, that he gain not only the puff-paste of party applause, but real glory. Unfortunately, however, it is not all, for that mode of doing the business would sow the seed of future controversy on a subject, respecting which, it is evidently our interest to support the British doctrine. And thus we may be engaged in a second scene of self-destroying misery, whenever those frolicsome gentlemen from the south take a fancy for the barbacue of another war feast. I am, &c.

GOUVERNEUR MORRIS.

TO DAVID B. OGDEN.

Morrisania, April 5th, 1813

My Dear Sir,

In our last conversation although you agreed, that every honest opposition should be made to Mr Madison's loan, yet you seemed to apprehend, that no honest principle could be relied on to refuse making provision hereafter for his present expenditure. The debt, you say, being contracted according to the forms of the Constitution, public faith is pledged and must be redeemed.

This I take to be the main strength of the argument on that side of the question; but there is a consideration coupled with it by some, which will not have the weight of a straw in your mind, but may help those, who, in pursuit of large profit, endeavor to deceive both themselves and others. Federalists, they say, ought to seize the occasion for laying direct taxes by the aid of Democrats, because such taxes are necessary, and those, who lay them, will incur public displeasure.

First, it appears to me a strange notion, that we should go out of our way to render ourselves odious by doing what is wrong, merely that our adversaries may become odious too. But, secondly, if they should, as they certainly would, oppose direct taxes, the odium must fall on us, and they, after a long course of criminal conduct, would secure the continuance of public confidence by our folly. Were it right to lay such taxes, the unpopularity ought not to deter honest men; but policy, so far as it can be separated from honesty, would indicate a course the reverse of what these gentlemen propose. It would direct us to oppose such taxes, and leave all the credit of them, if laid, with our opponents. Thirdly, I consider some of the direct taxes, which overturned a former administration, as neither wise nor just, wherefore in no case should recourse be had to them. And, lastly, I perceive no necessity for taxes, but think the duties may be greatly reduced, unless we take on our shoulders the burden of this

war. If that be our duty, let us perform it manfully; and here the main question recurs.

The debt you say is contracted according to the forms of the Constitution. This I doubt, but will say nothing on that chapter, because in matters so important everything like cavil should be avoided. Let it then be admitted, that public faith is pledged according to the constitutional forms. But before we proceed, let me ask whether, if a majority of honorable members in the two Houses should, according to these same forms, create a debt of thirty millions, and divide the stock among themselves, their successors would be bound to provide for the payment?

This you will say is an extreme case, but I must have a plain answer, Yea, or Nay. If it be Yea, I shall equally admit the duty supposed in our original case, and insist that forms so absurd be instantly abolished. If you say Nay, as doubtless you will, I merely infer, that cases may exist in which the pledge given according to constitutional forms is not to be redeemed, and it will only remain to inquire whether ours be one of those cases.

And here I must make the preliminary observation, that, even on a question of doubtful equity, it might be unwise to establish a precedent for a case so extreme, as that which is above supposed. I must also take leave to observe, that our present case is more like that extreme one, than at first blush may appear. This war was declared by the honorable members representing inland States, under the pretext of protecting commerce, and seamen, but for the avowed purpose of conquering Canada, and with the obvious intention of scattering millions among their constituents. Indeed, to this intention alone can be traced measures, whose absurdity and extravagance are clear as the noon-day sun. The money, then, is borrowed to be divided among borrowers, whose representatives frankly declare in the very moment of contracting the debts, that their constituents will pay no part of it.

Now let our case be stated as it stands on our principles,

and on those of our opponents. And, first, let the place of honor be given to them. They insist, that the war is just and necessary, yet they refuse to support it by taxes. Contending, nevertheless, that their war is just, they infer the justice of the debt incurred, and conclude that we, who opposed it, are bound to do what they who declared it would not do; that we must impose taxes to defray the expense. Permit me here to ask, whether the worthy eight per cent patriots, who are about to lend, rely on these honest non-taxing gentlemen for payment. If they do, and are not deceived, we must submit, and contribute in spite of our teeth, should the union endure. But, according to my old-fashioned way of reasoning, founded on the vulgar notions, that lambs cannot eat foxes, nor pigeons catch hawks, these honest gentlemen will not impose taxes, and of course those worthy patriots, consoling themselves with the honor of their deed, must forego the profit, unless we step in to their aid. Must we, then, for the sake of such excellent patriots, lay heavy direct taxes to pay usurious interest on enormous sums, extravagantly squandered in the prosecution of what we consider an unjust war?

To ask what is war, may seem a strange question, and yet every one should put it to himself on the present occasion. War is that condition, in which men are called on to take away the lives of their fellow-creatures. There are many, who religiously believe such condition to be unjustifiable under every possible circumstance. There are some, who act on the principle, that ambition or cupidity will justify any war, a principle, which is, I trust, confined to the bosoms of a very few very bad men. Those, who consider themselves as moral agents accountable to God, hold it impious to support an unjust war, and so it is held by the writers on public law. I never heard it questioned, much less denied, that the people called Quakers act consistently with their principles, when, refusing to pay war taxes, they suffer public officers to levy the money by sale of their property. Admitting, however, for argument's sake, that in so doing they carry the matter

too far, surely it will not be pretended, that they could, with any regard to consistency of character or conduct, lay such taxes on themselves and others. But in what does our present case differ from theirs? We hold this war in the same abhorrence, which they do every war, and the only question is, whether we may do that indirectly which we ought not to do directly. You may still, in defence of your post, insist that we are bound to pay public debts by the same moral principle, which bids us pay our private debts. Agreed. But we are bound to pay only just debts; or, to speak more accurately, that is no debt which was not justly contracted. To resume the common mode of speech, can that be a just debt, which is contracted for the support of an unjust war? You will answer, perhaps, that he who lends his money is not accountable for the use made of it by the borrower. But how, if the borrower had apprized him of the use? Suppose, for instance, money lent for the express purpose of hiring a bravo to commit murder; would you, as executor of the borrower, hold yourself bound to pay it? I should like to hear so worthy a lender make his demand. He perhaps would feel bashful, and, having with the caution usual in such business, taken a note payable to the bearer, would send a third person. I believe you would tell such person, that no binding contract can be founded on crime, and that the transfer of an unjust demand cannot convert it into a debt.

Unwilling to give the matter up, you may perhaps take a wider range, and ask whether this principle would not operate injuriously, by depriving the government of pecuniary resource, when engaged hereafter in a war not only just but unavoidable. To this I reply, in the language of Holy Writ, 'thou shalt not do evil that good may come of it.' I am moreover persuaded, that the best mode of securing pecuniary aid for a just purpose, is to withhold payment of what has been advanced for an object manifestly unjust.

It would lead too far, besides leading us astray, to develope the ground of this opinion. I conclude, therefore, shortly

thus. An agent, though he comply with legal forms, cannot bind his principal to a matter, which is illegal or immoral; and a third person cannot ground a legal claim on such transaction, if he were privy to the wrong. The debt, therefore, now contracting by Messrs Madison and Company is void, being founded in moral wrong, of which the lenders were well apprized. Should they hereafter plead ignorance, let them be told it was a vincible, and therefore an inexcusable ignorance. I am, &c.

GOUVERNEUR MORRIS.

TO HARRISON GRAY OTIS.

Morrisania, April 29th, 1813.

Dear Sir,

Accept my thanks for yours of the nineteenth. Everything, which contributes to depress, and much more to destroy the power of Bonaparte, is in my opinion a benefit, and therefore a proper subject of rejoicing to mankind. The signal victories of Russia demand our thanks to Almighty God, by whose Providence they are ordered.

The excellence of the Russian troops, founded on the physical and moral qualities of the people, is a matter generally understood; but there is another matter, which seems not to have been so generally acknowledged. The plan of the campaign, and the execution of it, appear to me superior, in what is usually called generalship, to anything of the kind since the war began. Bonaparte met with a master in that, on which he had most reason to pride himself, military skill. His very movement was evidently prescribed by Marshal Kutusoff. He could not take the road to Petersburg, because, leaving his enemy in the rear, he would have been deprived of subsistence. After he entered Moscow, the position taken by his enemy, on the southwest of that city, put it out of his power to retreat by Cracow into Bohemia. I had imagined this

route for him, and fixed on the twentieth of October for his departure; but he was, it seems, so nimble as to get off the nineteenth. Had he been victorious in the battle, from which he ran away, it would have facilitated his retreat, and saved great part of his army for a while; but Kutusoff's measures seem to have been so well taken, that the ruin would only have been delayed; and let it by the way be remarked, that in the Russian retreat from Poland to Moscow, no corps of any consequence was materially injured; which, on so long a line as they occupied, is almost miraculous. The future conduct of the war is, comparatively, a mere A, B, C, business; but, if managed by the same General, this campaign must be decisive. God grant that timid Ministers do not mar the work, which is now in such good train. The French troops will abandon Spain, as soon as they can cross the Pyrenees. Whether the Spaniards and Portuguese will carry their arms into France is doubtful, for, although sound policy would pursue that course, the weakness, which some folks call prudence, may dictate a different idea.

This reflection leads to the proper object, our own country. There are men, it is true, who consider, or affect to consider, your conduct as indiscreet and intemperate. But however high their standing, they show, I think, a slender knowledge of human affairs. Perhaps the sentiment arises from attachment to their own ease or interest, more than from correct judgment. I remember when the idea of American Independence was treated not merely as indiscretion, but madness. The mass of mankind, like starting horses, must be familiarized to objects by degrees. They will, after being led backward and forward in view of what alarmed them, come up to it boldly. It has been our misfortune to listen too much to popular opinion. Taking alarm at reproaches from our antagonists, we have had the weakness to deny what we ought to have declared. An instance occurred at New York two or three days ago. The Madisonian faction among those, who call themselves Federalists, for strange as it may seem

such a thing exists, brought forward strong declarations of attachment to the union, in order to defeat measures, which they understood to be in contemplation for securing us against a recurrence of those evils, by which we are afflicted. The declarations were evaded, but immediately a charge was thereupon instituted of designs hostile to the union; and the Federal Committee, instead of meeting it by a resolution, that the union, being the means of preserving freedom, should be prized as such, but that the end should not be sacrificed to the means, had, as you will see, the weakness to play their adversaries' game, and profess a devoted attachment to the union, which may embarrass the legislature, when they consider the situation of public affairs.

You compliment me, my dear Sir, beyond my worth, and very far beyond my pretensions. It is not for me to advise, though my thoughts, like those of every reflecting man, have long been solicitously turned to our political condition. I frankly acknowledge, that, so early as the year 1776, I was alarmed at the extent of our domain, and the difference of our habits and social state. I acknowledge, also, that, when the ultimatum for a treaty of peace was under consideration, I opposed insisting on a cession of the western wilderness, and expressed the wish, that some other nation might people it, and by the pressure of foreign force restrain our domestic feuds. Since that period it has appeared to me desirable, that the undue extent of our territory should be still more extended, so that the evil might work its own cure.

In framing our national Constitution, we were not at all blind to its defects, but none of us, I believe, expected they would bear fruit so soon and so bitter. We shall, I humbly hope, have reason to return thanks hereafter, that we are brought thus early into a condition, which, properly improved, may produce a better political organization. I will moreover acknowledge, that, ever since the commencement of Mr Jefferson's administration, I have looked forward to our present misery, as the means of securing rational liberty; for

I differed in opinion with many respectable friends, and especially poor Hamilton, on the efficacy of reasoning. Man is more a sensible, than a rational creature. Scarce a day passes, in which the best among us may not reproach himself with having done what was wrong, or, left what was right undone. How then can we expect, that the less informed of our fellow mortals should obey the voice of reason, or conform to the rules of virtue. Adversity alone can drive them into the path, from which prosperity led them astray.

Looking forward to present circumstances, and as the due preparation for them, it was my anxious wish to produce a cordial union with the Eastern States, and I suffered much to see, that cunning faction kept us so widely apart; but I flatter myself, that the result of our present election will bind us closely together. If we carry our men by a good majority, it will, I trust, be an early object to have a Convention of Representatives from States, the friends of peace and commerce. It is for such a Convention, and not for a solitary individual, to mark out a course of conduct. If good men be selected, they will doubtless propose such measures as, being generally adopted, will prove effectual.

When you fall in with my worthy old friend, Pickering, remember me to him with cordial affection, and tell him I am fully in his sentiment, that to raise taxes for the support of this unjust war would be an act of impiety. Let those usurers, who have trusted the war-makers, look to the sources of war for the streams of revenue. If those belligerent gentlefolks impose the needful taxes, we must pay our share, unless the union be dissolved. Should they refuse to do it, and Federalists remain true to their principle, that the war is unjust, and to the necessary consequence, that a voluntary support of it is criminal, we shall have the field fair before us, and may act unfettered by the National Administration, whose malignant influence, like the bite of a rattlesnake, now sickens the heart of our State. To the result of our election, which finishes today, the American friends of

Bonaparte look with anxious terror. May it, like that of the Russian campaign, tend to their confusion. I am, &c.

GOUVERNEUR MORRIS.

TO JOSIAH QUINCY.

Morrisania, May 15th, 1813.

Dear Sir,

Accept my thanks for the oration you had the kindness to send. I have read it twice with renewed pleasure; not merely as a composition, though in that respect excellent, but for the profound sense and just views, which it displays.

The subject you have broached must be pursued, and our national compact brought to the test of reason, matured by experience. That in the mean time it is essential, that taxes be opposed on the broad principle; that it is impious alike to shed the blood of man in unjust war, and to support those who commit that impiety. Should it be objected, as it probably will to favor lenders and their associates, that public faith is pledged, it may be replied, that a pledge wickedly given is not to be redeemed. Moreover, the pledge was not given; for acts of Congress violating the Constitution are void. The issue of paper money, receivable in taxes, was unconstitutional, because it was a violation of faith previously pledged, that the produce of those taxes should be applied in payment of our old debt. And, in like manner, the second appropriation of the same taxes to a new loan was a violation of the first contract. The subscribers to that loan, therefore, will have no right to complain, for it was their duty to examine the validity of the act before they subscribed. Moreover, the refusal to lay taxes, which could honestly be appropriated, was in itself a sufficient warning. Let then the seven and a half per cent patriots, who trusted after this warning, apply for payment to the gentlemen, who violated public faith in the very act, by which they pretended to pledge it.

Those who say they are the friends of peace will give themselves the lie, if, directly or indirectly, they furnish the means of war. And they must not pretend to be actuated by patriotic sentiments; for not only is the war unnecessary and unjust, but its professed object, if attainable, is inconsistent with our interest and our rights. Moreover, a satisfactory arrangement on the subject of impressment is in our power at any moment, for to obtain it requires neither the force of armies, the skill of generals, nor the dexterity of ministers. Let the first article of a treaty be proposed by us, and let it be the acknowledgment of a belligerent's right to take his subjects from neutral merchants' ships, as an unquestionable principle of public law. Let us then call on the British negotiators for a second article, containing such regulations of the practice of that right, as they think convenient. We need not hesitate about submitting to conditions, which they will submit to in their turn; for, as it is a sound maxim of legal prudence, that no man need be wiser than the law, so it is a safe maxim of political prudence, that no nation need be prouder than the British.

But essential as it is to peace, that supplies be withheld, it is not less essential to the recovery of those rights, which the commercial States have lost by their compact with slave holders, and the subsequent abuse of that compact. I stop, for why should I give you the trouble to read what you have long since thought. This letter already so much exceeds all reasonable bound, that I must pray your pardon for what it contains, and extend it no further than to assure you of the esteem and respect, with which I am yours,

GOUVERNEUR MORRIS.

TO EGBERT BENSON, AT WASHINGTON.

Morrisania, June 23d, 1813.

Dear Sir,

I pray you to accept my thanks for the Finance Report, which you had the goodness to send me. I forbear observations, in the persuasion that no taxes, however proper in themselves, should be laid, or paid, on the present occasion. This war, whetever may be the motives or intentions, is waged as much against New England as against Old England. If, therefore, New England, including New York and her sister New Jersey, consent to lay and pay taxes, they employ the fruits of their industry to compass their destruction. *Union* and *Constitution* are indeed fine words, but, for my simple self, I had rather be subject to the Grand Signior, than, decorated with paper trappings of liberty, be a slave to men no better than myself. This unjust, unwise, mismanaged war, cannot eventuate well. Laugh at me, if you please, but I firmly believe the Almighty will punish those, who voluntarily participate in its prosecution.

When occasion presents, remember me to our friends, and tell Mr Pickering and Mr Sturges I hoped to have seen them on their way to Washington. I am, &c.

GOUVERNEUR MORRIS.

TO JOSIAH QUINCY.

Morrisania, August 18th, 1813.

Dear Sir,

Accept my thanks for your favor of the tenth. In the present state of public affairs our greatest danger is, I think, in the timidity of those, who see and feel the present evils, but are 'distracted by the apprehensions' of what *may* happen, should the state of things be changed.

The change, if it take place, must be effected by the very

men, whose moral condition produces that timidity. In ordinary cases, ambitious demagogues effect revolutions by stiring up the dregs of mankind to revolt against established order, and the wholesome restraints of law. If that class of the community be now called into action, the country will be plunged into a still greater depth of distress, and have no hope of relief but from despotism, which, indeed, must soon take place, if the present state of things continue unchecked. But those, who fear for the future, may console themselves by the reflection, that a change by mob power cannot be made. If, therefore, they will do their duty, the whole authority will be in their hands, and can be so *modified* and *deposited*, as to secure *permanent*, *good*, *free* government.

To develope this proposition would require a treatise, instead of a letter, and is moreover unnecessary, for *you* must be convinced of it, and, *they* are not convinced, only because they look at what they *may* lose by action, and shut their eyes to what they *must* lose by inaction. I am ready to acknowledge the value of property, but I pray these gentlemen to consider, that we are now in the downhill road to that condition, in which there is no property, no, not in life itself, because there is no security. I will not presume to say what steps should be taken, but I hold myself ready to follow any honest lead. I am, &c.

GOUVERNEUR MORRIS.

TO RUFUS KING, SENATOR IN CONGRESS.

Morrisania, December 27th, 1813.

Dear Sir,

Your favor of the nineteenth reached me on Friday afternoon. As Christmas and Sunday followed immediately, I could not until this morning attempt to reply, and have now to thank you for that also of the 21st, which is just received.

To begin with this last, I believe the President to be correct in his notion, that an export of our produce furnishes the

enemy with such part of it *as he wants*; and that the admission of vessels, under neutral flags, tends to the introduction of British goods on British or American account. I admit, also, that illegal importations are made, and even venture to say, they will continue to be made in spite of all you can do. But I do not believe the President's remedies will cure the evil he complains of. Neither is it clear, that the cure is desirable; for, in the body politic, as in the natural body, it sometimes happens that the removing of slight diseases occasions others, which are mortal.

He thinks it hard, that British cruisers should get our victuals for their money, but he should consider, that in this case we get their money for our victuals. Suppose they should lay some of your exposed towns under contribution, and oblige you to *give* the food you refuse to *sell*.

Or suppose the British government should send a few ship loads of Liverpool salt to some convenient place on the Chesapeake, and give ten bushels of it, which would cost them less than twenty five cents per bushel, for a barrel of flour now selling, I understand, in Virginia for less than a bushel of salt, their fleet would then be supplied with flour for less than three farthings sterling per pound, while the planters would pay twenty prices for salt. Smugglers would in the traffic gain nine barrels of flour on each interchange.

I have said, that the enemy is furnished with such part of our produce *as he wants*. But the convincing proof, that he does not want our provision, either for his fleets and armies, or those of his allies, is the vigorous blockade of States, which produce provisions; for surely the enemy must know his own wants.

I admit for argument's sake, that you can cut off commerce in British goods on American account, but if your people want those goods, they will buy them, paying always to the British manufacturer *his price*, and to all concerned as intermediaries, for their labor, skill, and risk, an exorbitant premium. Now, as your Fisc will not, I suppose, be concerned in the contraband trade, it cannot share in the booty. Your cit-

izens, therefore, will be fleeced, while your treasury is defrauded of the duties; your enemy smiling at your efforts to wash the blackamoor white, fill a sieve with water, and other such notable projects.

As to the notion, that you can supply your wants by domestic manufactures, though true in a degree, it is false in the extent. But in the attempt you set so many at work to bid against you, that you will be unable to recruit your armies. Moreover, when this mad frolic is over, you must say farewell revenue from trade, or you must, lowering the duties, hear the groans and curses of those, who now embark in manufacturing projects. So that you disarm yourselves in the midst of war, that you may ruin your planters now, and your mechanics by and bye.

Our rulers seem to suppose, not only that Great Britain is extremely feeble, but that her pity exceeds her imbecility. They would see, and seeing they would believe in her strength, if they were not struck with judicial blindness. One of your Roman friends told you long ago, *quem Deus vult perdere prius dementat;* and Moses said nearly the same thing of Pharaoh before Romulus was born. The British administration have not hitherto dared to do the mischief in their power, fearing the opposition would appeal to the good nature of Englishmen. It is to relieve them from such apprehensions, that we are about to hang British officers in retaliation for traitors executed under British laws? It seems to me, my dear Sir, that argument on this occasion would be a waste of thought, of time, and breath. It is unquestionably a point of universal law, established from the earliest ages, that every nation has an indefeasable right over its own natural born citizens. If the President's statement of what he insinuates to be facts were true, it would prove nothing. Even if England had attempted to defend French citizens in her service against the French government, and, to that end, had executed, (*which she did not*,) prisoners of war in retaliation for Frenchmen landed at Quiberon in 1795, who, being taken, were

immediately executed, though it might be considered as a case in point, still it could not justify us in violating public law. Unless, perhaps, by the rogue's reason, that there is no harm in stealing from a thief. The thing is ridiculous, as well as atrocious.

But you may remember we long since agreed, that this horrible issue would follow, of necessary consequence, from a war to protect British subjects in neutral merchant ships, against the authority of their sovereign. It would be almost an insult should I, even at your own request, take up the argument on so plain a subject. With respect, however, to one ground which you hint at, I cannot coincide. Unquestionably those, who defended the plunderings of Napoleon as being right, because merely the operations of his municipal laws occasionally framed, in violation of treaties, for the very purpose of plundering, cannot consistently pretend, that we should take umbrage at the Prince Regent for the execution of municipal laws, established in his country so many centuries ago. But these gentlemen do not, I believe, regard consistency. I am not one of those, who think a nation has no right to interfere with the interior policy of others; but, on the contrary, hold that when a nation is wronged, no matter in what way, she may lawfully seek redress from the wrong doer. I go further and pretend, that if my neighbor nation adopts such internal regulations, the conscription for instance, as will when ripened into effect endanger my safety, I may of full right make war and take from him a part of his territory, so as to lessen the mass of his force, unless he will abandon the measures, which render that mass injurious to my peace, or dangerous to my existence. I always thought the British ministry conceded more to their parliamentary opponents, on this delicate point, than consisted with sound sense. But let us leave them to manage their own arguments as they like, and look at the condition to which our unhappy country is about to be reduced.

I cannot help believing the projects proposed are more lev-

elled at New England, than at Old England. Such they will, at any rate, appear to our eastern friends. Your conscription will fill the measure of grievances even to overflowing. The system taken together appears to me more absurd, if possible, in the whole, than extravagant in its several parts. By the embargo you take away the means not only of paying taxes, but even of purchasing necessaries. By the retaliating scheme, every American, who shall accept of a commission, or enlist as a soldier in the regular army, or turn out as a militiaman, must put a halter about his neck, with which, when taken prisoner, he may be hanged. By your conscription, you are to order men with arms in their hands, while you have only a bit of paper in yours, to quit their families and engage in the splendid scheme of conquering Canada, under such appalling circumstances. Before the first day of March, you will in all probability have no northern army left, your army of the south will be, as God and Great Britain please. And if you raise another army of the west, you must seek for a mountain of silver, instead of salt, to pay the expense. I am, &c.

GOUVERNEUR MORRIS.

TO RUFUS KING.

Morrisania, January 17th, 1814.

Dear Sir,

While I thank you for your favors of the fourth and ninth, I must intreat your pardon for delaying an answer so long. When the first arrived I was preparing to meet our Board of Commissioners in town, where I continued several days, so that the other lay till the fifteenth in our post office.

I believe the President to be mistaken in his notion, that Bonaparte will be pestered by insurrections. Neither Frenchmen nor any other men are prone to rise against so severe and so crafty a chief as Napoleon. Moreover, that nation,

which consists now chiefly of old men, women and children, is disarmed. Admitting, however, that insurrections should happen, I see no serious results. The dethronement of his Imperial Majesty is not desired by the powers at war with him; for most of them have a direct interest in his establishment. England cannot wish to see again a connexion of blood between the sovereigns of France, Spain, Portugal, and a great part of Italy. Austria can have no desire to turn her daughters out of doors, and still less to aggrandize a family, which held in check her greatness ever since modern Europe was civilized. The German States, Prussia included, while they cling for support against Austrian claims and protections to the power of France, would see with an evil eye that power so great that she could again dictate to them as subjects, rather than persuade them as allies, and pay them as subsidiaries. To Russia it is a matter of indifference who sits on the French throne, provided there be in that quarter a mass sufficient to keep Austria in check, and preserve the anarchy of Germany. A condition which leaves the south of Europe open to the action of her policy and the weight of her arms.

I think the President is also mistaken in supposing, that Russia is the greatest power in Europe, and especially that she will exercise her greatness in our favor. Russia, acting on the defensive, is indeed a prodigious power. Her back to the Arctic Circle, her left covered by the Tartarian Desert, her right by the Gulph of Finland and the Baltic Sea, her front from the Carpathian Mountains to the Black Sea, by the barbarous regions of Moldavia, Wallachia, and the country of the Cossacs, she is assailable only on the side of Prussia and Poland. Even there she is covered, in a great measure, by the vast morasses of an unsettled domain, and has in her favor those circumstances of space and time, which neither lovers nor princes can annihilate for the gratification of their wishes. But these very circumstances, and that other little circumstance called Finance, which will, I apprehend, begin now to cramp the energy of our aspiring President, must, for a long

time to come, render the offensive operations of Russia less dangerous to her neighbors than, from the mass of her force might otherwise be apprehended.

But admitting the Russian greatness to be whatever Mr Madison may choose to represent it, and admitting also, what I do not doubt, that the Emperor, with all his justice and generosity and love for his English ally, would see with pleasure shackles put on the British maritime power, I nevertheless cannot persuade myself, that he would sanction a doctrine so inconsistent with reason, as Mr Madison's notion about expatriation.

The acceptance of Lord Castlereagh's proffer is, unquestionably, an abandonment of the ground on which this hopeful war was waged; and should the American negotiators attempt to reoccupy it, they will, I presume, be requested to look at their instructions, and be told it is incredible that the President should renew a claim directly opposed to the terms, on which he had agreed to treat; but if, indeed, he entertains such an idea, it is proper again to assure him through them, that Great Britain cannot listen to propositions *inconsistent with the maxims of public law and her maritime rights.* I am, &c.

GOUVERNEUR MORRIS.

TO LEWIS B. STURGES.

Morrisania, February 12th, 1814.

Dear Sir,

I received last evening yours of the seventh. That peace will grow out of the Gottenburg Mission with Mr Madison's consent, *open* and *avowed*, I doubt. I do not believe in the efficacy of those mystic words, which some gentlemen seem much to rely on, '*saving to the parties their respective rights.*' As a British Minister, I never would admit them into the treaty. The way to peace is, nevertheless, open and clear. Let the right of search and impressment be acknowledged as maxims

of public law, and leave them to say how the exercise of the latter right shall be restricted, between two nations speaking the same language. I am morally certain, that the stipulations they propose, as reciprocal, will be safe and satisfactory to us.

But what cure will peace bring to the wounds, which liberty has received? When, in debate on the judiciary I pronounced the Constitution to be gone, it was considered by many as a mere turn of rhetoric. I have frequently since recurred to that occasion, and repeated the same sentiment. It was and is my serious conviction. The omnipotence of legislative authority, assumed by the Congress, resides essentially in the House of Representatives, to which a pair of complaisant Presidents turned over executive authority also. In return, a majority of the Congress give to the chief of their faction both legislative power, and military means of compelling obedience to his will. For this and more, if more were needfull, I refer to your embargo decree.

You will have read, long before this reaches your hands, the petition to your Governor from the town of Bridgeport. This contains sound sense. Should sentiments like those be acted on by our eastern brethren, peace, and what is more and better than peace, might be speedily and easily obtained. I do not, my dear Sir, look westward for the sunrise of freedom. My eyes are turned to, and steadily fixed on the east. My trust is not in a President, Senate, and House of Representatives, but in Him who governs empires, the world, the universe.

I have not been surprised at the fall of Bonaparte. In the Senate, speaking on Ross's motions, I hailed him as first of the Gallic Cæsars, and said, the moment he fails he falls. I stood alone in the opinion, that the patriots of Spain and Portugal would succeed. I have repeatedly told my friends, that the world would be surprised to find the destruction of French power more rapid than the acquisition. I fixed on the twentieth of October for Bonaparte's retreat from Moscow, as the

commencement of his ruin. He got the start of me two days. I had no difficulty in predicting, not only the result of his campaign, but the manner in which it would be effected. At the same time, I do Napoleon the justice to say, that it was ably conducted on his part, both as a statesman and a soldier.

By taking post early and in force on the Elbe, he was no farther back in November, than he would otherwise have been in June. He had, moreover, the chance of victory, and his efforts to obtain it were skilful and frequent. He doubtless foresaw the course, which Austria would pursue, and which my poor friend Moreau could not believe, when I urged it in conversation with him and Mr Parish, shortly before he sailed for Europe. To be in force near Bohemia was the only means in Napoleon's power to keep his father-in-law quiet, and would have been effectual, had the thing been practicable. True it is, that, by fighting so far from home, he risked more complete ruin. But even now, notwithstanding his discomfiture, he will, I believe, be saved; not indeed by his own force, but by the interest of his enemies, or the greater part of them, in his preservation. This interest he understands as well as they do; and, therefore, his game seemed more desperate than it was in reality. I will not repeat here what I said some time since in a letter to my friend Mr King, because I dislike repetition. Neither have I dwelt on my former opinions to gain credit as a prophet, but to show my reliance on the Almighty. I proclaimed this faith on the fourth of last July, not as a barren tenet of religious creed, but as an active principle of political conduct.

I am, &c.

GOUVERNEUR MORRIS.

TO WILLIAM HILL WELLS, SENATOR IN CONGRESS.

Morrisania, March 3d, 1814.

My Dear Wells,

Many thanks for the information you communicated. Generally speaking, wisdom gives moderate counsels, but there are cases in which moderation is dangerous, and even ruinous. Look at our opponents, for *fas est et ab hoste doceri*. Moderation is not their motto. Had the administration of Mr Adams declared war, when they raised their army, they would have triumphed. By going only half way, they ruined themselves, and gave a blow to our party, which it has staggered under ever since. Our enemies imputed to us a predilection for Britain, and we, to show our moderation, went out of our way to blame her for a conduct perfectly correct. Having thus acknowledged their premises, we struggled in vain to avoid their conclusions.

The Russian Ukase comes in season to show the profound ignorance of those, who calculated on the support of Alexander to their disorganizing doctrine of expatriation. If we mean to be numbered among civilized nations, we must abandon this vain notion. The Spanish application was to have been expected, and our administration only add one more to the multiplied proofs of their folly, by omitting to do in season gracefully, what they must now submit to awkwardly, or encounter another foe. Should they adopt the latter alternative, it will be in character, and may not be inauspicious.

You say that some of our opponents talk of national considerations in the next Presidential election. This, my good friend, may serve for a convivial topic, but there is no substance in the sound. Priests will, in like manner, talk of the catholic sentiment of Christian charity, and, while they dwell in generals, it is delightful to hear them; but come to particulars, and they will tell you, that internal spiritual religion, without exterior observances, being too slight and metaphysical for the grasp of reason, is not, as a doctrine, susceptible of being

taught; that inasmuch as the object of religion is to regulate our conduct, it must be reduced to rules; and that, stripped of precepts and observances, it must exist, if it exist at all, without appearance and without effect. All this being admitted, and it cannot well be denied, when you come to the consideration of these same precepts and observances, there is an end to that Christian charity and those catholic sentiments, which prevailed and charmed before. Each preacher holds fast to his sect, and nine out of ten, even if they can be prevailed upon to leave with Omnipotence the fate of his creatures, will insinuate, if not insist, that unless he deliver over to Satan all but their own adherents, it will require his omniscience to show that he has not broken his word.

So it is, my dear friend, with political charity. It is puss's velvet paw, soft so long as she purrs with pleasure; but let the meanest little mouse of an opposite party peep at the veriest paring of an office, away jumps the cat, her claws extended, her eyes flashing fire. Do you suppose these people will put themselves in your power? I hope you have more charity, than to suspect them of such chivalrous indiscretion. Are you prepared to make stipulations with them, which can satisfy them and meet the approbation of your friends? Have you considered the consequence of making or receiving propositions on that delicate subject?

They allow themselves great latitude, and only inquire whether an act be useful to their party; but we must be able to show, that our conduct is just and honorable. After all, I am not opposed to conciliation, but doubt the practicability, and believe that the mere attempt will cost more than the thing is worth. For even if you bring over some half dozen leaders, you gain only their votes—*Vox et præterea nihil.* They will discover that, abandoned by their adherents, they will have ruined themselves without aiding you.

I am, &c.

GOUVERNEUR MORRIS.

TO ROBERT FULTON.

Morrisania, March 3d, 1814.

Sir,

I have this moment received your letter of the 22d of last month, which I consider as so valuable, that I shall transmit a copy to Albany, that it may be communicated to members of the legislature, without stopping to examine minutely your calculations, in the persuasion that they are substantially correct. Moreover, the basis being established, the only difference as to results must be about the more or less, while the least is sufficient for your general conclusion. You show that this canal will be, to the State, a mine more valuable than those of Potosi to Spain. I have never ventured to develope what my judgment contemplated from this measure, because I had learnt from experience the results of a certain magnitude, even when bottomed on mathematical demonstration, are treated as light and and fanciful by those, who measure the whole world with the limited standard of their own comprehension. The benefits to result from canals, which may at a trifling comparative expense be made through different parts of the State of New York, were a subject of my serious meditation many years before I ventured to disclose them; and even then, the project was treated more like the dream of a schemer, than the matured reflection of a sound mind.

The money produce, which you exhibit, is not the greatest advantage which I have been led to expect. Improvements assist each other, and contributing to mutual advancement, tend to general perfection. The great vivifying principle, on which a thousand astonishing consequences depend, is this, whatever saves labor rewards labor And permit me to remark on this occasion, and in this place, that among the wonderful effects which a full developement of this principle has produced in Great Britain, it is not the least that after twenty years of war expense, at the beginning of which many who are considered as models of political wisdom declared her to be on the verge of bankruptcy, after the proud and generous defiance of a

world in arms to rescue a world in chains, she gives this year between forty and fifty millions of dollars to the continental powers, who, though they have long enjoyed the continental system devised for her ruin, are unable to defend themselves without the aid of her treasure.

I say it is the great vivifying principle on which that nation's wealth and power depend, that everything which saves labor rewards labor. By diminishing its money price, it occasions a new diminution, each effect becoming a cause, so that each is a step in the ladder by which she ascended to the pinnacle of prosperity. I say the money price to distinguish it from the real price; for money is but an instrument of transfer in the bank accounts of political economy. The pecuniary stipend of a laboring man represents his house-rent, fuel, food, and raiment. In proportion then, as those articles which form the real stipend are reduced in their money price, his labor can bear such a similar reduction.

But, causes preceding effects, every such reduction contributes, in the first instance, to his ease and comfort; and only effects, consequentially, the price of his labor, by the competition of his brethren. Thus, the canal which brings fuel from one quarter, food from another; the national accumulation of wealth, which, lowering the rate of interest, lessens the rent of houses, built more cheaply also from materials more cheaply collected, by workmen more cheaply paid; the labor-saving machines, which supply cheaper clothes and tools from raw materials, brought by canals more cheaply to the manufactories; all these causes working together make the Englishman's shilling nearly equal to the American's dollar; enabling him, therefore, to sell for a shilling what, by the high price of labor consequent on the manner and expense of living, is not made here for less than five such shillings or one of our dollars. Now it is self evident that in general competition for any article, they will get most of it who will give most for it. It follows, therefore, that those who will give the most for money, in other words, those who will sell cheapest, will have the most money.

In relinquishing the large revenue of which the canal will undoubtedly be susceptible, I contemplated two objects distinct, though connected. First, that the more cheap shall be the transportation, the more extensive will be the theatre of its operation; and secondly, that the greater shall be the mass of the products which it brings down, the greater will be the commercial interchange of returning merchandize, and the greater the encouragement to manufacturers by the increased cheapness and comfort of living, together with the cheapness and abundance of raw materials. It is here that I look for ample compensation to those parts of the State, which seem to be less interested than our western district, but which are far more interested than they seem. You, whose mind has long been turned to the contemplation of such objects, you will not be surprised when I tell you, that I believe the effect of our proposed canal will make the shores of the Hudson's River, in fifty years, almost a continued village. Compare the country from Albany to Waterford, with what it was in 1785. Look also at the effects already produced by your steam boats.

But it is needless to discuss now the best mode of managing that great concern. You show that it may be made to produce a vast revenue, while conferring inestimable benefit on our neighbors. This is sufficient. If afterwards it appears that lowering the toll, and thereby increasing and extending that benefit, would be still more advantageous, the legislature will act accordingly. I am, Sir, your obedient servant,

GOUVERNEUR MORRIS.

TO NATHANIEL BEVERLY TUCKER, VIRGINIA.

Morrisania, May 2d, 1814.

Sir,

I have this instant received your favor of the fifteenth of last month. We had no engineer, and have sought men in vain, the resource of Great Britain being cut off by the war.

The practicability of our canal was decided, in the first instance, by the face and features of the country. Surveyors were then directed to run levels and measure distances, in conformity with the idea assumed from those general indications. By the result of their investigations the plan was corrected and new surveys made.

I have no doubt, that the canal you mention can be effected; because you have in the Roanoke water sufficiently *elevated* and *abundant* to be carried round and emptied into the lower James River, where the banks have subsided in approaching the ocean, so as to be little above its level. A descent of six inches in a mile will give the water sufficient velocity, if the size of your canal admit of a large volume. The descent must be greater, when the passage being narrow and shoal the absorption and evaporation are comparatively, and the friction positively greater. The expense will be greater or less according to the distance, and other circumstances dependant on the shape of the country and the soil. The dangers to be apprehended from freshets, and the provision to be made against them, will greatly enhance the expense, if the water of large rivers be used. Wherefore it is desirable to fill your canal from living springs, if that be possible. In this case it should be carried on a level, and the barges, which we should call scows, be let down by locks into both rivers. Not only the danger of too much, but the inconvenience of too little water will be thereby avoided.

It is possible that your investigations may lead to the discovery of water courses, which may be made, at little expense, to approach good navigation from the different rivers to the vicinage of each other, but present a dry elevation to be crossed. This, which at first sight forms a bar to hope, should by no means discourage you. Perhaps on a full view of all circumstances it will form the cheapest route. For you have an abundance of coal on James River, and a steam engine at one or both ends of a canal on the dry elevation will give you as much water as you want, even though the sources from which

it is drawn be rather scanty than abundant, because it is continually brought back by the locks to the place from whence it is drawn, and mills or other machinery may be wrought by the descending fluid, when not required for the purposes of navigation.

On the whole I incline to the opinion, that instead of seeking an engineer at present, it would be advisable to explore the country by intelligent surveyors, and when you shall have collected information, exercise first your own judgment, and apply afterwards to a professional man. The expense will otherwise be greater than you, I believe, expect, because his high salary will go on during that preparatory work, which will hardly be completed in one year, for it must not be overlooked that more time and expense are required to explore a country clothed in forest, than one which cleared, cultivated, and pierced by public roads in every direction, lies bare to the eye of an engineer. We can duly estimate the prominent features of such a country, its lofty hills, its spreading vales and dry ravines, without the aid of an instrument. I am, &c.

GOUVERNEUR MORRIS.

TO WILLIAM HILL WELLS.

Morrisania, October 17th, 1814.

Dear Sir,

I am to acknowledge, and am much obliged by your communication of the late message, respecting the negotiations at Ghent. I find that many good men of both parties are exceeding wroth on this occasion. I have not heard your sentiments. I fear there has been little too much blazing on the subject. Our friends should always bear it in mind, that they have to deal with a crafty administration, which will, if possible, bring them to commit themselves by rash declarations.

As to the first point, slightly mentioned by the British Commissioners, a clear, explicit acknowledgment of the right they

contend for ought to be made; and the article being, of course, reciprocal, let them contrive such a modification of the exercise, as will suit them when we are at war and they neuter.

As to their *sine quâ non*, it seems to me that, if their wilderness be included as well as ours, the article cannot affect our honor. Will it affect our interest? Certainly not for half a century. And long, very long, before that term the question will be merged in others, which must rise out of the ever varying state of human affairs. The British Ministers have, it seems, discovered in the commencement of the nineteenth century, that our copper colored brethren are human beings, and as such embraced by the provisions of public law. Take care, my friend, that they do not make a similar discovery, as to our ebony colored brethren.

I wish they had been asked how far they supposed their *jurisdiction* to extend over the fishing ground, and, especially, whether it includes the Great Bank. The privilege of taking fish on their coast, and drying it on their shores is, I believe, of little moment to us.

It would be wise to stipulate, that neither party should have ships of war on the lakes, nor forts on their shores. Both are an idle and useless expense. If they had there forty ships of the line, and a dozen Gibraltars, we could with great ease take Canada.

As to the alteration of boundary, in which, without meaning it, they are to gain an extent of territory, I think a cession of the triangle between the head of Lake Superior, the head of the Mississippi, and the Lake of the Woods, can do us no harm. But their claim to navigate the Mississippi, on which they do not possess a foot of land, should be resisted, and admitted only on condition, that they permit us to navigate the St Lawrence. Not that I would give much for this privilege, but urge it as a matter of reciprocity, so as to put them in the wrong if they refuse. Lastly, it would, I think, be wise to give them the northeast corner of Maine, if they will give Massachusetts an equivalent on the sea coast.

It seems to me, that our Commissioners had better say nothing about the two points they have started. Let questions of blockade be settled by the great powers. Those which regard compensation for damages are already settled by the war. It cannot be expected that either party will give money to obtain peace. I am, &c.

GOUVERNEUR MORRIS.

TO TIMOTHY PICKERING.

Morrisania, October 17th, 1814.

My Dear Sir,

I am sorry circumstances would not permit you to call, on your way down, and that my health has not permitted me before to acknowledge your kind letter.

You know so well my sentiments, that it is needless to repeat them; but I am as much amazed at the conduct of many men we respect, as at that of our administration. According to my poor notion, gentlemen should consider the actual state of things, before they meddle with or talk about them, yet I hear every day professions of attachment to the union, and declarations as to its importance. I should be glad to meet with some one, who could tell me what has become of the union, in what it consists, and to what useful purpose it endures. According to the report of a Committee of Ways and Means, you gentlemen in Congress conceive you have a right to take our money without reserve or remorse, and without giving yourselves any concern about the general defence, with a special view to which the power to take our money was granted. We poor subjects must let you have as much of our money as you please, and defend ourselves as well as we can.

We are on stilts, as to the British arrogance and audacity, in proposing terms to which we cannot listen without disgrace. The Indians, it is said, belong to us. The Pope

you know, once divided the world, without suspecting it to be round, between their Faithful and Catholic Majesties, granting the East to one, the West to the other. The Spanish and Portuguese met and quarreled, and the King of France being interrogated as to his notions, asked for a copy of Adam's will. The Indians, it seems, belong to us, because Great Britain ceded to us the land on which they live, but whether her right was derived from Adam or St Peter does not appear. At any rate, the Indians passed with the soil, and we acquired an incontestible right to hunt them like deer, and take what was their country, and what, according to the principles of public law, is still their country, if they be, as they pretend, human creatures.

I stop here and refer you to our friend Wells, of the Senate, for the view I have just now taken of the negotiation at Ghent. Our finances are not in so wretched a condition, as when they were placed under the superintendence of our departed friend, Robert Morris. Moreover, Congress now have what then they had not, a power to draw forth and apply the national resources. You know what was then done, and I know how it was done. At present things might be restored, but ere long the disease will be mortal. The plan proposed by the Committee must fail, for reasons which will strike every one conversant with the subject.

I suppose, my good friend, that our sovereign lords the Congress will take, what it shall please them to call high ground, about this negotiation. They may soar a lofty pitch now, that their finances are on paper wings. The Almighty will work out his wise ends by the means of human folly. In the mean time it is, I suppose, intended that we of the northern and eastern States shall pay the expense of one or two extravagant campaigns, to secure by predatory expeditions into Canada the right or the wrong of shooting Indians in the western wilderness, and that, during this felicitous period, we shall defend ourselves along the sea coast as well as we can.

It seems to me, that men of common sense should resist that notable project, and grant neither men nor money, till the national affairs are confided to men of sense and integrity.

I am, &c.

GOUVERNEUR MORRIS.

TO RUFUS KING.

Morrisania, October 18th, 1814.

My Dear Sir,

I have this moment received your favors of the 13th and 14th instants. The condition of the finances was and is remediable, but will soon be desperate. The plan of the Committee of Ways and Means is in my opinion inefficient. It would be impertinent to assign reasons for that opinion *to you*.

I wrote yesterday to Wells and Pickering, who will no doubt communicate my letters. In reply to your question, what is to be done? I answer decidedly, and without the slightest hesitation, *refuse supplies of every sort*. Should the Grand Signior ask for men and money to invade Persia, you would tell him we want both to defend ourselves. Tell Mr Madison the same thing, and let him show what interest we have in the conquest of Persia or Canada.

There is, thank God, good sense in Massachusetts. Should the rest of New England join her, I shall have hopes for my country.

In answer to your questions I feel myself bound in duty and honor to declare, that anything like a pledge by Federalists to carry on this wicked war strikes a dagger to my heart. Whoever shall utter a word of that sort will repent it. The passions of honest men are played on by contrivers, who laugh at their credulity. How often will you agree to be cheated! What are you to gain by giving Mr Madison men and money? Has he not told you distinctly, that he will not defend you?

How are you to defend yourselves, when you have parted with the means? If you go on at the present rate, you will in six months be incapable of exertion; for you wage war at an expense, which no nation can bear. Patriotism is one thing, but food is another, and though patriotism may turn out soldiers, it cannot buy bread. As to any protestations you may make, after giving men and money, they are mere wind; and put them in whatever form you may, they will make no more impression than mere wind. If you withhold supplies, your opponents will call you enemies of your country. And what of that? These also are mere words, if you please, but they break no bones. Withhold supplies and they hate, but grant supplies and they despise you.

I have never believed, that the enemy intended to attack New York. If he should he will, I think, carry it, and covering his flanks with his ships, the fortifications you have raised, and which he may avoid, will serve him much better than they can serve you. But *cui bono?* What will they gain by it? Or *cui damno?* What shall we lose by it? The expedition would be, if successful, useless; if unsuccessful, pernicious to them; in all events, of little consequence to us, and therefore a piece of folly on their part.

I have always supposed, that their main effort would be in the Chesapeake, and not seriously commenced until the sickly season is over. The conquest of Louisiana, which will doubtless form a part of their plan, cannot require so great a force as that under Lord Hill. Moreover, an invasion of Virginia will operate effectually on the fate of Louisiana. An army of twenty thousand men, landed at Annapolis, will march without serious impediment to the point of Florida, and oblige the country to maintain them.

I am, &c,

GOUVERNEUR MORRIS.

TO RUFUS KING.

Morrisania, November 1st, 1814.

Dear Sir,

I am to acknowledge your favors of the nineteenth and twenty-first of last month, which, by reason of a short visit to New York, did not reach me in due course. Accept now my thanks for them.

The British Commissioners have mentioned very slightly the alleged ground of quarrel, as one which would probably make a point in the negotiation. It may be disposed of in two ways. The first and most eligible, in my opinion, is to make on our part a frank acknowledgment of the contested right, and then ask of them to insert such modifications in the exercise of it, as the sameness of language and similarity of manners require, when one of the parties may be at war and the other at peace. The second way to dispose of it, and that which the British commissioners may prefer, is to say nothing about it. This will in effect be a full acknowledgment on our part, and spare them the delicate task of arranging reciprocal modifications of the exercise to suit John Bull, in the double hypothesis of belligerent and neuter. The publication of these instructions places the ball at the foot of our enemy, who will of course kick it in the manner most agreeable to him.

I was surprised at the fire and fuss made about this negotiation, when it was first published. Next to the folly of our rulers is the madness of our friends, who rashly pledge themselves to fight for sailors' rights on the frontiers of Canada, because forsooth Britain will not, abandoning her allies, sign, seal, and deliver a declaration of her own perfidy.

Pray make my respectful compliments to your namesake in the House of Representatives, whose speech I have read with singular satisfaction. The pretext, that, if we do not grant supplies, we shall be conquered and colonized is so futile, that I wonder to hear it from men of sense. This nation is not to be conquered by twenty or thirty thousand sol-

diers. Neither would our independence be at all endangered, though a more powerful army should march from Maine to Georgia and from Georgia to Maine.

Your scheme of finance will not answer. The people are unable to pay such heavy taxes *in real money*, and the general interest to depreciate your paper will take effect, notwithstanding the struggles of monied men. The project of putting a world on an elephant's back, which is to stand on a tortoise, and the tortoise on nothing, will have the success to be expected from so rational a device. Immediate peace, or the destruction of money capital. Take your choice.

As to Mr Monroe's 60,000 conscriptive men in Kendal green, with his 40,000 in buckram, they are worthy of Mr Dallas's bankstock. Your enemy will not be deceived by such a paper machinery of force and finance, but pursue his plans of hostility with a confidence of ultimate success.

A union of the commercial States to take care of themselves, leaving the war, its expense, and its debt to those choice spirits, so ready to declare and so eager to carry it on, seems to be now the only rational course. I am, &c.

GOUVERNEUR MORRIS.

TO WILLIAM HILL WELLS,

Morrisania, November 1st, 1814.

My Dear Sir,

I have received your kind favor of the twenty-fourth. I had been apprized of, and was sorely grieved at the course, which some federal gentlemen had resolved to take. It is to me incomprehensible. They assume that the war is now defensive, because of the claims of British Ministers, and the menaces of a British Admiral. The Admiral's threat was only to take effect, if we persist in the practice of plundering the Canadians, and laying their country waste. The demand of the British negotiators is, that we promise not to molest their

Indian allies. Surely, neither the demand nor the threat look like a scheme of conquest. Moreover, the British Commissioners disclaimed all view to an extension of territory.

It is evident, then, that by closing with the reasonable offer to secure peace for the Indian allies of both parties, and guaranty their land against both, a provisional treaty might have been immediately made. But that offer was rejected, and thereupon gentlemen, who, notwithstanding their excess of zeal, have no want of intellect, persuade themselves that the war has become defensive on the part of those, who reject conditions of peace more moderate than could, all things considered, have been reasonably expected. And what is worse for us, the ruling party treat this nation with contempt, and tell their new associates, 'do not deceive yourselves or others, the war is still offensive. We wage it to conquer Canada, without which we cannot drive off the Indians, and take their land, which we, your masters of the West want, and you our slaves of the East must purchase for us, with your treasure and your blood!' Those who vote for the taxes will, it is presumed, vote for the conscription; and the crafty Madison, when told of their bitter speeches, will say with his predecessor, the crafty Mazarin, when the Parisians, oppressed with his exactions, vented their indignation in satirical songs, *qu'ils chantent pourvu qu'ils payent*. If they pay, let them sing. I am, &c.

GOUVERNEUR MORRIS.

TO LEWIS B. STURGES.

Morrisania, November 1st, 1814.

Dear Sir,

The majority are, I see, determined to take away our pretence for supporting them. Mr Monroe frankly avows the conquest of Canada to be the object of his conscription. Will the Federalists, who voted for taxes, go on and vote for the conscription too? Much good may it do them.

New England will, I trust, continue true to herself. The oppressive course pertinaciously pursued must open the eyes even of the wilfully blind. You will unite with Massachusetts, and New York must connect herself, whether she will or no, with New England. The question of boundary to be solved, therefore, is the Delaware, the Susquehanna, or the Potomac. *Medio tutissimus ibis.* Better preserve principle, than extend dominion.

The proposed measures of war and finance are at once so inefficient and offensive, that they cannot succeed. The legislature of this State have done much in the same wild way; but oppression, says the Holy Book, will make a wise man mad. Let then New England take for her motto, what I once admired as specially appropriate on a lawyer's coat of arms, *optimum est alienâ frui insaniâ.* I am, &c.

GOUVERNEUR MORRIS.

TO HARRISON GRAY OTIS.

Morrisania, November 8th, 1814.

Dear Sir,

I have looked with anxious interest at the proceedings of your State, and, surprised at the apathy of others, felt as an American some little selfrespect, when I perceived a glimmering from the lamp of public spirit in Massachusetts. How bright in 1775. I am much flattered by your politeness, but it is not for me to say what shall be done by your Convention. Doubtless your plan was well digested before the measure was proposed, and such is my confidence in your delegation, that I have little doubt of assenting to what they may recommend.

I supposed it was in the contemplation of your legislature to meet, by a wise and just course, the perilous condition in which the northern and eastern States are placed by the national government. I supposed you would say to them,

'deprived by your neglect of that protection, which it was your duty to grant, and ordered to defend ourselves, we will do it as well as we can; employing for that purpose all our strength and resources.' I supposed, also, that to such as should charge you with meditating a breach of the union, you would calmly reply, 'the union is already broken by the administration; should we, therefore, now rely on it, we should forfeit all claim to common sense.'

I readily conceive that, depending for power on popular opinion, you fear to exceed the vague undefined authority which it confers. But we know from experience, that public confidence adheres to those, who adopt bold measures, for when the general trembles the soldier must quake. But you will say, perhaps, 'we have to combat corrupt influence.' And what is easier than to conquer the foe, whom a word will disarm? The influence you fear arises from the power of conferring lucrative office; but the moment you say money shall no longer flow in the same channel, you break the sorcerer's rod, and the witches, you may rely on it, will not dance round an empty cauldron.

The last dupery has not indeed ceased as yet to operate. The notion of some Federalists, God forgive them, that this war had become defensive, was puffed off in the hope, perhaps, of conciliating irreconcilable foes; but, if so, a more idle project never existed. The majority are ready for union, provided that, supporting their plans, you leave them in possession of power. On these conditions, they will not only unite with you, but laugh at you, and despise you in the bargain. As to that fond notion about the war, which could never stand the test of reason, it must vanish with Mr Monroe's late declaration, that their object is to conquer Canada.

The proposed conscription, too, seems intended by Providence to open the eyes of your people, and rouse their indignation. Fortunately the embrio despotism must be still-born, from a want of fiscal resource. The paper palace of

rulers, who are but children in the science of finance, would perish from the frailty of its materials, if it did not fall from the want of foundation. Thus, while they invite and stimulate you to act, they show their incompetence to obstruct your course.

You ask if New York will join you. To which I reply, that if your measures be feeble, she certainly will not, because intelligent Federalists can have no motive, and Democrats will not quit their ranks before they see a respectable force. But if your measures be strong, I believe New York will join you, because though Federalists may, according to custom, deliberate, and hesitate, and split hairs about right and wrong, yet the Democrats, whose religious principle it is to worship the rising sun, will not be wanting to you, when you are no longer wanting to yourselves. I am, &c.

GOUVERNEUR MORRIS.

TIMOTHY PICKERING TO GOUVERNEUR MORRIS.

City of Washington, December 15th, 1814.

Dear Sir,

I have lately seen a letter from Colonel John F. Mercer to a friend in Congress, upon the present state of public affairs, in which the finances are of course comprehended.

He considers the present treasury notes as 'bills of credit.' So had I considered them, and mentioned that I very much doubted the power of Congress to emit them. The Constitution having prohibited the States to emit bills of credit, because of the abuses practicable by an uncontrolled power, a sovereign State; for the same reason the hands of Congress should be tied up. And now Colonel Mercer's letter states, that to the power given to Congress 'to borrow money,' was added 'and to emit bills of credit;' and that these words 'to emit bills of credit,' were struck out on your motion; * that he strenuously

* In the Convention for forming the Constitution.

opposed the striking out; but that after much discussion, your motion was carried 'almost by acclamation.'

He sees no way to relieve the finances but by issuing *paper money*, under the authority of the United States; yet adds, 'Congress have in truth not the power,' because 'to emit bills of credit' had been struck from the Constitution. He considers the issuing of treasury notes a *precedent* already established; and one which the same power may of course repeat, and as they have no choice of means, that it must be done.

The information given by Colonel Mercer being perfectly new to me, and on a point of magnitude, I have stated it to you from a desire to be favored with your own account of it, with such observations as you shall think proper to communicate. Not that I think Constitution regulations of half the consequence I once did; for the men now in power find little difficulty in getting over or round any provision, that was designed to limit their measures. I am very respectfully your obedient servant,

TIMOTHY PICKERING.

TO TIMOTHY PICKERING, IN CONGRESS.

Morrisania, December 22d, 1814.

My Dear Sir,

I have received yours of the fifteenth. While I sat in the Convention, my mind was too much occupied by the interests of our country to keep notes of what we had done. Some gentlemen, I was told, passed their evenings in transcribing speeches from shorthand minutes of the day. They can speak positively on matters, of which I have little recollection. My faculties were on the stretch to further our business, remove impediments, obviate objections, and conciliate jarring opinions. All which I can now do is to ask myself what I should do were questions stated anew; for, in all probability, what I should now do would be what I then did, my

sentiments and opinions having undergone no essential change in forty years.

Propositions to countenance the issue of paper money, and the consequent violation of contracts, must have met with all the opposition I could make. But, my dear Sir, what can a history of the Constitution avail towards interpreting its provisions. This must be done by comparing the plain import of the words, with the general tenor and object of the instrument. That instrument was written by the fingers, which write this letter.* Having rejected redundant and equivocal terms, I believed it to be as clear as our language would permit; excepting, nevertheless, a part of what relates to the judiciary. On that subject, conflicting opinions had been maintained with so much professional astuteness, that it became necessary to select phrases, which expressing my own notions would not alarm others, nor shock their selflove, and to the best of my recollection, this was the only part which passed without cavil.

But, after all, what does it signify, that men should have a written Constitution, containing unequivocal provisions and limitations? The legislative lion will not be entangled in the meshes of a logical net. The legislature will always make the power, which it wishes to exercise, unless it be so organized, as to contain within itself the sufficient check. Attempts to restrain it from outrage, by other means, will only render it more outrageous. The idea of binding legislators by oaths is puerile. Having sworn to exercise the powers granted, according to their true intent and meaning, they will, when they feel a desire to go farther, avoid the shame if not the guilt of perjury, by swearing the true intent and meaning to be, according to their comprehension, that which suits their purpose.

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* The Constitution, in its present language and arrangement, was from the pen of Mr Morris. After all its parts had been debated and in substance approved, that task was assigned to him by a commitee of the Convention.

I think it useless to discuss the discussions of your Ghent negotiation, which has kept the quidnuncs gaping for so many months. Indeed it might seem invidious in one, who has been a member of our diplomacy. There is no lack of genius and invention in our ministers. They may, however, be taught by experience, that it is easier to write an epigrammatic epistle, than to succeed in the transaction of great business. I thought the enemy's first overture should have been seized. I saw nothing in it, which touched our honor, nothing, which impaired our interest. I speak of his *sine quâ non*, for all the rest appeared to be a reciprocation of our own extravagance. You, who have seen the whole of our Cabinet's instructions, can say whether my conjecture, for I have no information, is well founded. It seemed to me that our negotiators had, by reason of their distance from home, a good game in hand. Had they made a treaty, containing a reciprocal Indian article, declaring that, though it exceeded their instructions, they agreed to it, subject to the President's superior wisdom, it would have given him three months' chance of contigency.

I care nothing now about your actings and doings. Your decree of conscriptions and your levy of contributions are alike indifferent to one whose eyes are fixed on a star in the east, which he believes to be the day-spring of freedom and glory. The madmen and traitors assembled at Hartford will, I believe, if not too tame and timid, be hailed hereafter as patriots and sages of their day and generation.

May the blessing of God be upon them, to inspire their councils and prosper their resolutions. Adieu.

GOUVERNEUR MORRIS.

TO BENJAMIN WALKER.

Morrisania, December 28th, 1814.

Dear Sir,

Accept my thanks for your favor of the nineteenth. You wonder at the apathy of our fellow citizens, under despotism exercised by the general and State governments. You seem to think they might be roused by political writings, provided they were circulated in a form, which would induce people in general to read them. Take into consideration the following anecdote.

At a large meeting in Pennsylvania, a person addressed the company, and, after recapitulating many faults of the National Administration, dwelt with particular force on the war and the taxes. When he had made, as he supposed, the proper impression, he sat down, and one of the opposite party rose. He passed slightly over all the precedent matter, merely mentioning the charges made, 'and now,' said he, 'that you may judge of the whole story, I will notice the two last complaints against war and taxes. If there was a war, should we not have heard something about it before this time? When there was a war, the militia was called out and had to fight, but which of us has been called into service? And so, if taxes had been laid, should we not have heard from the collectors? But you all know, that you have not been asked for a cent. The gentleman, who told you those things, I have no doubt believed them. He has undoubtedly read them in the federal papers, which contain a great many such foolish lies, but we know better.' This oration was loudly applauded. They would not listen to the first speaker's reply, but went up to the poll with a loud huzza for Snyder.

The people must feel before they can think. Expect heroism from a sheep, charity from a wolf, and music from a crow, and perhaps you may not be disappointed; but do not expect, or even hope for reason from the populace. Violence you may count on, and perhaps it will not be long before it is

exercised. But they must have the spur of actual suffering. In your quarter, they have, as yet, been gainers by the public folly and extravagance. The game is now up, The frolic is over, and the piper must be paid. I am, &c.

GOUVERNEUR MORRIS.

TO MOSS KENT, AT WASHINGTON.

Morrisania, January 10th, 1815.

Dear Sir,

Yours of the 4th reached me yesterday morning. You will have seen that the Hartford Convention have been prudent. Their doings bring to mind one of La Fontaine's fables. A council of rats being convoked, to devise measures of defence against feline depredations, a sleek young member was much applauded for proposing to tie a bell round puss's neck, which, giving seasonable notice of her approach, would enable every one to take care of himself. Before the question was put, an old rat, (addressing the chair,) said, 'I too, Sir, entirely approve of our young friend's proposal, but wish, before I vote, to know who will fasten on the bell.'

Your Democratic acquaintance will doubtless make themselves merry, at the mildness of Yankee measures. Such humble language must have a squeaking sound to ears, that tingle with the full tone of a gentleman, now governor of South Carolina. You, however, who are somewhat of a Yankee, will see, in the modest propositions from Hartford, matter more serious than the rattling of words. Yankees like to make what they call a fair bargain, and will, I *guess*, easily take up the notion of bargaining with the national government, which, according to my notion, can make no bargain of practical result, which will not amount to a severance of the union. Moreover, in the dearth of ready *rhino*, the administration cannot spare a part of New England's contribution, whereas New England, in adjusting the proportion, will probably guess that the whole is better than any part.

I am told that even now, there are Federalists who wish for office. This seems strange. They resemble Philistines struggling for a seat in the Temple of Dagon, while Sampson was pulling it about their ears.

It is very true, my good friend, that direct taxes fall heavily on great land-holders. And it is equally true, that the land tax, as originally imposed, and now reimposed, is a breach of faith, and in the mildest view an act of injustice. No government can rightfully exact more than a fair portion of income. To go further, and take the capital, is no longer taxation. It is confiscation. When the State sells uncultivated land, they receive that which produces income, in exchange for that which produces no income, under the engagement generally expressed, but always implied, that while it remains unproductive it shall remain untaxed. Imagine a person, and there were many such, who invested the greater part of a large money capital in the purchase of wild land, reserving as much in public stock as might enable his family to live. Such persons, the interest on his stock withheld and unable to sell the principal, is pressed for a tax on his wild land. He cannot sell it, for no one is so foolish as to purchase a tax. What then can he do? You may determine that, if he do not pay, so much of his land shall be sold as the tax amounts to. Now make that certain, which, in the course of things, must become certain. Suppose it to be one tenth. It results, that your operation when analyzed amounts to this. You sell a thousand acres for cash today, and take back a hundred for nothing tomorrow. Why not play the whole game of French rapacity? Why not take the whole property, preluding as they did by an overture on the guillotine?

I am of opinion, with the Democratic member you mention, that the Southern and Western States will not pay their portion of the direct tax. If, therefore, you wish to redress grievances and present a bright prospect to holders of war stock, enact that States (at the next session of Congress) shall be represented *pro rata* of payments on account of this tax into

the treasury, and shall vote for President on the same principle. This regulation, in the spirit of the Constitution, will if adopted place power where it ought to be; and, if rejected, explain our political condition. I am, &c.

GOUVERNEUR MORRIS.

TO MOSS KENT.

Morrisania, January 12th, 1815.

Dear Sir,

When, in framing the Constitution, we restricted so closely the power of government over our fellow citizens of the militia, it was not because we supposed there would ever be a Congress so mad as to attempt tyrannizing over the people or militia, by the militia. The danger we meant chiefly to provide against was, the hazarding of the national safety by a reliance on that expensive and inefficient force. An overweening vanity leads the fond many, each man against the conviction of his own heart, to believe or affect to believe, that militia can beat veteran troops in the open field and even play of battle. This idle notion, fed by vaunting demagogues, alarmed us for our country, when in the course of that time and chance, which happen to all, she should be at war with a great power.

Those, who, during the Revolutionary storm, had confidential acquaintance with the conduct of affairs, knew well that to rely on militia was to lean on a broken reed. We knew, also, that to coop up in a camp those habituated to the freedom and comforts of social life, without subjecting them to the strict observation and severe control of officers regularly bred, would expose them to such fell disease, that pestilence would make more havoc than the sword. We knew that when militia were of necessity called out, and nothing but necessity can justify the call, mercy as well as policy requires, that they be led immediately to attack their foe. This gives them a

tolerable chance; and when superior in number, possessing, as they must, a correct knowledge of the country, it is not improbable that their efforts may be crowned with success. To that end, nevertheless, it is proper to maintain in them a good opinion of thesmelves, for despondency is not the road to victory.

But to rely on undisciplined, ill-officered men, though each were individually as brave as Cæsar, to resist the well-directed impulse of veterans, is to act in defiance of reason and experience. We flattered ourselves, that the constitutional restriction on the use of militia, combined with the just apprehension of danger to liberty from a standing army, would force those entrusted with the conduct of national affairs, to make seasonable provision for a naval force. We were not ignorant of the puerile notions entertained by some on that subject, but we hoped, alas! we vainly hoped, that our councils would not be swayed by chattering boys, nor become the sport of senseless declamation. I am, &c.

GOUVERNEUR MORRIS.

TO RUFUS KING.

Morrisania, February 2d, 1815.

Dear Sir,

I have received the papers and report, which you had the goodness to send. Mr Secretary's defence of his taxes will not bear him out, for some of them are unwise and some unjust, but I shall not attempt to point out defects; taxes are sufficiently unpalatable, even when correctly and judiciously imposed. It would, therefore, be unnecessary in any case, but improper now, to expose defects in the plan adopted; seeing that it was supported by many of our friends. This support has delighted our foes. A gentleman, speaking on the subject yesterday, said, that shortly before he left home, he inveighed in conversation with one of them against the im-

positions occasioned by this wicked war. His antagonist replied, 'I am surprised, Sir, that you should say anything against taxes voted for in Congress by your own party.'

The same reason, which prohibits strictures on what is done, requires silence on what remains to do. You, my friend, standing on an elevated stage, and viewing of course an extensive prospect, may see your way through difficulties, daily accumulating, which appear to me insurmountable. You may have reason to believe, that money lavishly granted will be prudently applied. It may be expected, therefore, that you, and those who think and feel like you, will go on piling up one oppressive tax on the top of another, to support the measures of Mr Madison. We, who think differently of him and them, are compelled to believe, that this mode of defending our country must reduce it to a condition not worth defending; but I am far, very far, from blaming those, with whom it is my great misfortune to differ in opinion. On the contrary, I pray God that my views may be as false as they are limited, that Federal support of a Jacobin administration may not ensure its continuance, that peace may be as near as wiser men than I am believed and as honorable as more sanguine men than I am expect. I am, &c.

GOUVERNEUR MORRIS.

RUFUS KING TO GOUVERNEUR MORRIS.

Washington, February 12th, 1815.

Dear Sir,

I am indebted to you for more than one friendly letter, the receipt of which I have hitherto omitted to acknowledge. This has in part arisen from my having been of late a good deal engaged in the business of the Senate, and in part from the great importance of the subject of your last letter. Here we have been struggling without avail, to defeat a dangerous Bank project, which, after all our efforts, yesterday by force

of executive influence, passed the Senate by a majority of two votes; one of our friends being casually absent, the real majority was only one. The fate of the Bill is uncertain in the House of Representatives.

I am sensible, truly sensible of and deeply regret the difference of opinions existing between good men, respecting the leading course of policy, which ought to be pursued by the Federalists.

Concerning the views and character of the men, who have brought the country into its actual difficulties, we are all agreed; it is about the course which should be followed to extricate us from these difficulties that we disagree.

If by a strenuous opposition, ending in the refusal of supplies of every kind, our rulers would be driven from their posts, and able men called to fill them, a practical, and intelligible object would be before us; and, provided it could be accomplished, without exposing the country to the vengeance of the enemy, or to the danger, that by our divisions he might be able to dismember and degrade us, united and persevering opposition would become an obvious duty. But, with the present executive, with a Senate composed as the Senate is, and will be for years to come, and with such a House of Representatives as we have, and shall have during the next Congress, there can be no expectation of driving these men out of their offices. The press even is not in such hands, nor is it likely to be so, as will do much in effecting a change of the popular prejudices.

In England, a majority of the House of Commons can remove the Ministry, in effect, can change the executive government. There the refusal of supplies immediately produces a revolution in the executive government. Not so here. According to our theory, all political power is in the hands of the people; and until they choose to dismiss their chiefs, no considerable change can be made. Reason and wisdom can do little to effect their object.

The people must feel the inconvenience, and suffer the

punishment of their own folly, before they will consent to renounce it. The ruin of their business, and the burden of taxes, which their favorites have accomplished, may prove a salutary corrective, which may awaken their attachment to one set of politicians, and their aversion to another. Until this can be effected, we shall go on, as we have done, or plunge still deeper, as we are likely to do, should the country hold on its present course.

Moreover, the enemy is guilty of the utmost folly. His warfare is licentious, and he discloses objects, in respect to our territory, which furnish our rulers, with arguments against the opposition, and in favor of their supporters, which, when addressed to the people, are irresistible.

In these circumstances, and with these views, after careful deliberation, in which the dissenting opinions of able men were allowed the respect and deference to which they are always entitled, it has appeared to me, that I had but one course, which was to avow a firm purpose to defend the country against the invasions of the enemy, and to concur in granting the necessary supplies for this object. By doing so, we establish a right to hold the executive and its departments answerable for the degradation of the public credit, the failure of military expeditions, and above all for declaring a war, whose objects are abandoned, and the expenses of which can only be defrayed by heavy and durable taxes upon the people.

Furthermore, that course which exhibits union *in defence* of the country has seemed to me more likely than any other to influence the enemy to consent to a speedy and equal peace; an honorable peace we cannot demand, having already abandoned every object, for the attainment of which we declared the war; but a peace leaving to us the same rights of soil and sovereignty, which we possessed before the war, will be a safe peace, and one that will not humiliate us.

Entertaining these views in common with the principal men of our party here, I have deemed it expedient to be open and unreserved in the avowal of them.

I explain myself to you, my dear friend, not to invite discussion upon the subject, although I am always benefited by your opinions, and habitually cherish for them an unfeigned respect, but for the purpose of opening to you my reasons for the course of policy, which I am pursuing in these critical times. With sincere attachment and regard, I am, dear Sir, your friend and faithful servant,

RUFUS KING.

TO DE WITT CLINTON.

Morrisania, February 19th, 1815.

Dear Sir,

I received yesterday, and read with great pleasure, your discourse to the Philosophical Society of New York. Accept my thanks for it.

You mention timothy as a foreign grass. I had hitherto believed it to be indigenous. I was, indeed, assured by farmers in New England, that it grows spontaneously in low ground of rich soil, when sufficiently drained, and that such soil, when too wet for timothy, produces spontaneously the foul meadow grass, or red top.

I know not how eels breed, nor where, but I know they are drawn out of the mud by a spear in cold weather. From their torpidity in winter Aristotle classed them with serpents. I know they were found, from the earliest time, about Passaic Falls. It is more than forty years since I ate part of one taken in Rockaway River, that weighed seven pounds. They are large and fat in the Mohawk, and I incline to believe, that they would find it as difficult to ascend the cataract of the Cahoes, as that of Niagara. The whitefish is, I believe, of the salmon, not herring race; for it has not only that fat fin on the back, which distinguishes the former, but the firm flesh also. It resembles, though much larger, the smelt, and has like it when fresh the smell of a cucumber.

I have long thought that laws to protect fish and game would be of great utility. They would oblige vagabonds to earn, by lawful labor, a plentiful subsistence for their families, who now pine with want, while they amuse themselves with the gun or fishing rod, and tipple ardent spirits under the pretext of resisting the summer's heat, or winter's frost, or vernal showers, or autumnal fogs. Hundreds might by such laws be reclaimed, and the State in consequence enriched by their industry.

Secondly, encouragement given by such laws would induce farmers to people their land with birds and wild animals, as well foreign as domestic, and their waters with fish. At present, he who should import either would expose himself to the mortification experienced by my father, who turned loose, late in April, a pair of European pheasants, and saw them early in May hanging up for sale in the Fly Market. Let it not be forgotten, that no flesh is so cheap as that of wild beasts and birds. The husbandman takes no care for their shelter and subsistence. They take care of themselves, and compensate the trespass on his crops by destroying insects and pernicious weeds. If every farmer in the State could take, without waste of time, so much game and fish from his fields, forests, ponds, and brooks, as would provide fifteen days' subsistence for his family, it would economize on the general consumption three months' supply for your city.

But, thirdly, such laws being passed, a considerable sum might be raised, by selling the State right to land under water. The cash brought into the treasury, though considerable, would be only a small part of the public gain. Beds of clams and oysters, if secured against depredation, would soon be planted, and, from the great extent of coast suitable to that purpose, yield a supply of those fish more abundant than when oysters formed a cheap food for the laboring poor of New York; the lowest price of a day's labor being sufficient to purchase four hundred. As to the probability of extending the beds, take the following fact. Two gentlemen, (the fath-

ers of Governor Lewis and Colonel William Smith,) sent a sloop to Blue Point and brought a load of oysters, which they laid down below low water mark, before their respective doors at White Stone and Throg's Neck. After taking up from the place of deposit more than had been laid down, their servants raked on. In the vicinage they found plenty and of a better species. The neighbors then began to take a few, and then the rakes of New York were brought to bear on the beds, which, though they extended from shore to shore, were at length exhausted. The raking then ceased, and was not resumed for many years; but now, as I have been told, several acres are covered more than two feet deep with very fine oysters.

The spawn of common carp may be brought from the head of Elk. A very superior species inhabits the St Lawrence. Ponds may be stored with white perch from Hudson's River, and black perch from Lake George. Tench and carouch might easily be brought from Hamburg. I have little doubt but that our large striped perch, or bass, and the sheepshead might be bred in proper enclosures of salt water. I call our streaked bass perch, because they have, I think, the shape, substance, and manners of perch. Doctor Mitchell has, I know, ranged them under a new class, because they are deficient in a characteristic of perch according to the Linnean system. I, who know nothing of natural history, doubt whether nature will have the complaisance to adapt her productions to our systems.

The meagre soil of Long Island is suited to warrens, and would produce thousands of the European rabbit, whose very fur would be a valuable article. Our wealthy citizens might be induced, by proper encouragement, to construct parks and breed our native deer, whose skins are of superior quality. I know that, if anything of this sort were proposed, many worthy gentlemen in the Legislature would exclaim, 'here is a plan for infringing the poor man's rights to pamper the rich man's pride' Admitting, for a moment, that such were the

object, it would not be a sufficient reason to reject what is useful, if, in effect, no right were infringed. And as to that point, suppose, by way of extending privileges to the poor, every man were permitted to slaughter his neighbor's cattle, sheep, and pigs, could we reasonably expect a supply of meat in the market? The industrious poor would starve, if the idle poor were let loose to prey on the community.

There can be no doubt that, if such laws as I allude to were enacted, individuals would propagate fish and game for their own gratification, without regard to public good. And so, whatever may be the pretext, those who breed merino sheep and establish manufactories of cloth are actuated by regard to personal interest. Neither are they in this respect singular, for no one will believe that those, who cultivate wheat, and those who grind it into flour, and those who bake it into bread, are prompted by the love of country, or regard for the poor. So far from it, that I am thoroughly convinced, and so I believe is every thinking man, that should the spur of private interest be taken away, all that action which moves the social machine would be suspended. Relying on long experience and mature reflection, I hesitate not to assert, that plenty, power, numbers, wealth, and felicity will ever be in proportion to the security of property, and thence is deduced the corollary, that a legislator, who omits securing property, neglects his duty.

Permit me to say, also, that if we compare the few, whose supposed right to hunt and fish would be repressed, with the many, whose property in fish and game would be secured, the best of the former would scarcely rise to a level with the lowest of the latter. I believe it will, on investigation, be found that sportsmen of the higher order are deficient in that persevering industry, which provides competent support and suitable education for a rising family. It will be found, also, that the foundations of national freedom and prosperity rest on those, who labor for an honest living, in that state of life to which it has pleased God to call them.

I must trespass on your patience to make one more remark. Unless by agrarian laws the fabric of society be demolished, some individuals will become rich. These, if precluded from enjoying their wealth at home, will go abroad or employ it in accumulating more. Whereas, if our institutions be such, as reasonably to encourage objects of taste and magnificence, not only our wealthy citizens, who are fond of expense, will be kept at home, but wealthy foreigners may be induced, by the general freedom and ease of our manners, to come and reside among us. Many also, diverted from accumulations of property dangerous to liberty, will employ those without whose labor works of taste and magnificence cannot be executed.

It shall readily be admitted, that forty thousand dollars, spent in the course of ten years, to build the wall of a park, will yield but low interest in venison and skins; so that, if undertaken as a profitable speculation, the proprietor would be deceived. He might find a better pecuniary account in building fire-proof stone houses. But would he realize a greater profit from spending four thousand dollars a year in foreign luxuries? Would the importation of costly wine, furniture, and apparel conduce more to his health or wealth? Would it increase the public wealth as much? Whould the support of women in Flanders, who spin fine flax and knit point lace, add as much to our population and power, as the support of men in America, who build walls and quarry stones?

When war calls for soldiers—but whither am I going? I sat down to say a word about eels, and, some how or other, that slippery subject has led me to one so much more slippery, that the sooner I quit it the better. Accept then, I pray you, the assurances of that respect, with which I have the honor to be, &c.

GOUVERNEUR MORRIS.

TO WILLIAM HILL WELLS, SENATOR IN CONGRESS.

Morrisania, February 24th, 1815.

Dear Sir,

Accept my thanks for your excellent speech, which, if we are to believe Voltaire when he says, 'the pleasure of reading verse is derived from the sense of difficulty surmounted,' is equal to an epic poem. You state at your outset the obstacle, and afterwards establish your position, that a self-evident proposition cannot be demonstrated. *Contra principia negantem non est disputandum.* Those who deny axioms have a great advantage over opponents, who have the good nature to argue with them; for genius can seduce weak minds by plausible sophisms, but he who attempts to prove, that two and two make four, imposes on himself an arduous task. Your observations are so acute and profound, that many will find it difficult to follow you, but those who do will be, if possible, more thoroughly convinced, than they were from a mere enunciation of the proposition, that a jug must not only exist, but have something in it before it can be emptied.

The Constitution, I think, intended that certain offices should be held at the President's pleasure. It is unquestionably an abuse to *create* a vacancy in the recess of the Senate, by turning a man out of office, and then filling it as a vacancy that has *happened*. But, my dear Sir, there is no end to abuses. It is a vain attempt to tie up the arm of government with paper bands; for the purposes of government cannot be answered, unless it have sufficient strength to crush *exterior* obstacles. If, then, those who administer it have not morality enough to confine themselves within the prescribed bounds, it will run to excess, unless restrained by interior organization. This is no new discovery. Shortly after the Convention met, there was a serious discussion on the importance of arranging a national system of sufficient strength to operate, in despite of State opposition, and yet not strong enough to break down State authority. I delivered on that occasion

this short speech. 'Mr President; if the rod of Aaron do not swallow the rods of the Magicians, the rods of the Magicians will swallow the rod of Aaron.'

You will ask, perhaps, how, under such impressions, I could be an advocate of the Federal Constitution. To this I answer, first, that I was warmly pressed by Hamilton to assist in writing the Federalist, which I declined. Secondly, that nothing human can be perfect. Thirdly, that the obstacles to a less imperfect system were insurmountable. Fourthly, that the Old Confederation was worse. And, fifthly, that there was no reason, at that time, to suppose our public morals would be so soon and so entirely corrupted. Mr Mason, a delegate from Virginia, constantly inveighing against Aristocracy, labored to introduce Aristocratic provisions. Some of them might have been wholesome, but they would have been rejected by public feeling, in the form proposed, and if modified to render them acceptable, by detracting proportionately from executive authority, which was his plan, we should have risked less indeed from the whelming flood of Democracy, but we should have had a President unable to perform the duties of his office. Surrounded by difficulties, we did the best we could; leaving it with those who should come after us to take counsel from experience, and exercise prudently the power of amendment, which we had provided.

I see with concern, that the old treaty of peace is not renewed and confirmed in the treaty of Ghent. I am, &c.

GOUVERNEUR MORRIS.

TO JOSEPH KINGSBERRY.

Morrisania, June 22d, 1815.

Dear Sir,

You seem to suppose it next to impossible, that party spirit should lead men to applaud the treaty of peace, after having applauded a war undertaken to establish claims, every one

of which has been abandoned. Party spirit, my dear Sir, can do, and has already done more. It has induced a majority of Congress not only to assert facts, in the face of evidence, but to act on such rash assertions. The hand of history will point to more than one instance.

Your alarm respecting Bonaparte is I think too great. Louis deserved in some measure what happened. I apprehended trouble and turmoil, though not so great a catastrophe; for the man, who lies down naked among rattlesnakes, must expect to be bitten. It is however more easy to discover faults, than to avoid them. He ought, if he could, to have disbanded an army, which, habituated to plunder, was not susceptible of a pacific temper. But could he? Was he not, in some sort, a prisoner in their hands? The Allies should have considered the situation, before they placed him in it. But they, I suppose, reasoned on what they saw from what they felt. Alexander, who took the lead, has still in his head some of that stuff called philosophy, which it was so full of ten years ago. And all of them seem to have taken for granted, that a maxim, not always correct in a state of peace, is applicable to a state of war, viz. that one nation ought not to meddle with the internal affairs of another. The Romans would have laughed at this childishness. Their maxim was *salus populi suprema lex*, which, carried to its consequences and exemplified by their practice, meant the destruction of everything incompatible with their interest.

There has been uttered of late much idle jargon on subjects of this sort. Among the rest it has been triumphantly asked, as if unanswerable, would you make war against principles? To this I have frequently had occasion to reply, yes; and, to destroy principles inconsistent with the peace and happiness of mankind, destroy those who hold them.

Providence, whose ways are inscrutable by man, has brought the Allies now to a condition in which they must act up to that opinion. Bonaparte will be quelled, and his associate conspirators brought to condign punishment. I am

moreover disposed to believe, that ere long Jacobin doctrines will be put down everywhere. The family of nations must not be tormented by the vain and touchy waywardness of a presumptuous member. Those who like Napoleon deny the law, must like Napoleon be put out of the law. I am, &c.

GOUVERNEUR MORRIS.

TO JOSEPH KINGSBERRY.

Morrisania, December 19th, 1815.

Dear Sir,

In yours of the first instant you express a wish to know my opinion of public affairs.

In the midst of contradictory accounts from France, it seems evident that the nation is pride sick. People are naturally out of humor at receiving instead of dictating the law. That tract of country always produced a turbulent race. Cæsar or Tacitus, I forget which, characterized them as 'too proud to obey, too ferocious to be free.' A firm hand is needful to govern them. Their ruler must flatter their vanity, and punish severely the slightest attempt to diminish his authority. The adherents of Bonaparte will doubtless contrast the splendor of his achievements with the present humiliation of Frenchmen; and ignorance may be persuaded, that a few dozen Eagles, with tricolored flags and cockades, would cripple foreign troops and plunder foreign countries. This mode of acquiring wealth is more agreeable to them than honest industry. The Ministers, like some other rulers, flatter the popular taste though they know that, far from being gratified, it must be corrected. France, like a vicious horse with a cart and a cavesson, may kick and plunge, but the whip and spur well applied will tame her. Unfortunately, the King is too mild, and feels hurt at being a dependant on foreign troops, without whose presence, nevertheless, the rashness of his friends, the subtlety

of his foes, the treachery of many, and the arrogance of all, would send him again into exile. Should this happen, neighboring powers may divide that country, restoring to the Netherlands what was taken by Louis XIV, and re-establishing the ancient kingdom of Burgundy; to include the province of that name with Lorraine, Alsace and Franche Comte. This, or the establishment of a new dynasty in France, would be a sore stroke to us who are interested in preserving, by the union of France with Spain, a counterbalance to the weight of Britain. Russia has, and Prussia had the same interest; but Prussia can now stand alone. When the Russian troops shall have reached their own country, they will be too far off to prevent, in the present state of France, such a dismemberment as Austria, Prussia, England, and Holland may find convenient. The business once effected cannot be undone by growling or fighting in the North.

As to our Jacobins, you will have seen by my last, that I have little hope of their amendment. If they do not split, they will probably name the next President. The best chance, therefore, to prevent Mr Monroe's election is in the ambition of rival demagogues. A caucus at Washington will settle the matter until the mode of election be changed. Such change would require other changes to render freedom secure. But alas! when Democracy has reached a certain height, there is little chance for the duration of freedom. Circumstances, or to speak more properly, Providence may produce changes both of men and things, which reason can neither direct nor foresee.

I am, &c.

GOUVERNEUR MORRIS.

TO RUFUS KING.

Morrisania, January 26th, 1816.

My Dear Sir,

I have received seven packages from you, covering Mr Dallas's Report. I have not been able yet to put it together, much less to examine it.

I fear that we differ in opinion on the subject of taxation. Disliking heavy duties, I would raise revenue principally by internal, but not by direct taxes. A land tax is just nowhere, and peculiarly unjust here. If light, it is an expensive instrument of torture. If heavy, it is oppressive to individuals, injurious to the community. There are false notions afloat on this subject. Some patriots (*sans terre* if not *sans culottes*) cry out, 'tax land speculators, and oblige them to sell.' Take care, gentlemen patriots. If taxing speculators should become fashionable, stocks may perchance be amerced. And as to selling, landholders gladly sell when they find purchasers. Considering the extent of our territory, it might be politic, I do not say just, to tax those who have no land, *because* they have none, or place them under civil disabilities. Speculators, as such, are not respectable, but they are necessary; and in no case more so than in the settlement of wild land. It has been tried to prevent accumulation of large tracts in few hands, by confining grants to small tracts, but experience has proved, that until rich men purchase up these small tracts the country cannot be settled.

It is in effect absurd to suppose that a person, with scarce a change of linen, can go two or three hundred miles to look out a farm, have it surveyed, travel back to the office for a patent, and, after spending time to get it, and borrowing money to pay for it, travel out a second time to the land, cut a road, and make a settlement. These journies and expenses amount to more than great landholders ask for their land on credit; and what is still worse, by the time he has cleared a

few fields, and built a house and barn, an owner under a prior grant may come forward and take possession. As things now stand, the conflict of title is generally between men able to stand the shock. The emigrant looks for land near some great road, which the landholder has made, and, when he has suited himself, finds an agent on the spot to deal with, purchase on long credit, and then makes means out of the land to pay for the land.

I think it both unwise and unjust to tax either money or unproductive land. If you tax money, while you limit interest and thereby prevent a man from employing it to advantage within the State, he will send it abroad. The scarcity will raise the price, so that borrowers must give more than the interest and tax in some other shape. If you do not limit interest, the borrower by an increase of it pays the tax. He is taxed double. First, for his property, and secondly, for the loan; though it is a deduction from his property.

Taxes can be raised only from revenue. Push the matter further and their nature is changed. It is no longer taxation but confiscation. A nation of cultivators will not long be the dupe of contrivances to ruin them. Whatever man or party, therefore, shall come forward pledged to take off direct taxes, that man or that party will prevail. In the mean time, a public debt, which rests on such foundation, must be insecure. If banks be put in the proper condition, and they will otherwise become a pestitential nuisance, people in the country cannot procure cash to pay direct taxes.

The trite question, I know, is, where do they find cash to pay a greater sum of indirect taxes, it being an arithmetical demonstration, that the contributor pays more to supply a given amount to the Fisc by indirect than by direct taxes? I answer, that, in matters of finance, two and two do not always make four. Much depends on the time and manner, as well as on the amount. The mother and daughter, when they purchase robes and ribbons, the father and son, when they purchase wine and whiskey, consider whether they can bring forward

in season wherewithal to satisfy the merchant and grocer. They have in the house wool, in the barn wheat, in the crib corn, in the pen pork. These can be turned in at prices agreed on. The tax gatherer comes with neither wine, whiskey, robe, nor ribbon, but with a dirty, much tumbled, much cursed paper in his hand; he asks for what is not in the house, the barn, the crib, nor the pen. He asks for money. To procure it, the contributor, after exhausting all devices for delay, such as civilities first, and then douceurs to the collector, and then interest, and premium to the collector's friend, must at last make sacrifices greater than the profits of the merchant and grocer.

The cheapness of the direct tax is, therefore, mere theory. In practice it is dear. But were it otherwise, it is ungracious, and tormenting. The wealth of the governed is not the only consideration of a wise ruler. Their comfort, their peace, their domestic felicity, should claim a share of his attention. Direct taxes overturned the federal party, because the adversary knew how to use that weapon. The party now in power seems disposed to do all, that federal men ever wished, and will, I fear, do more than is good, to strengthen and consolidate the federal government. They are adroit, and if their schemes fail, it will not be for want of address, but of that higher order of talent to conduct public affairs, which is not abundant in any country. I am, &c.

GOUVERNEUR MORRIS.

TO RUSSELL ATWATER.

Morrisania, February 21st, 1816.

Dear Sir,

I received yours of the sixteenth last evening, and in mercantile phrase note the contents. You ask my ideas on the mode of raising funds for, and constructing the proposed canal. To treat the first point by one of the Commissioners

is hazardous; for it may be supposed that his opinion is theirs, and has been influenced by their wishes. I think, however, you know enough of me and my concerns to know, that I cannot wish for authority whose exercise, involving labor and attention, must interfere with my private affairs. I will speak to you, therefore, without reserve; premising that the mode of executing the canal has been fully developed in our reports to the legislature.

The State should vest in the Commissioners a considerable tract of land, together with what may be granted by individuals interested in the finishing of the canal, to be pledged, together with the public faith, for payment of interest and final redemption of loans to be made by them; not exceeding, in the whole, five million of dollars, at an interest not exceeding six per cent, and charges not exceeding five per cent. A small loan cannot be negotiated on economical terms. The interest and charges ought to be limited by the law.

It should be declared, that as fast as any part of the canal is completed, the Commissioners shall open the navigation on such terms, as that the toll shall be in their opinion sufficient to pay for keeping the works in repair, and seven per cent interest on the cost. Such toll must, from the increasing transportation, soon pay the principal.

I think the Commissioners should be authorized to employ for account of the State, in such manner as may be approved (by whom you please) from time to time, so much of the money borrowed as may be spared from the business of the canal, so as to compensate for the interest. This power prudently used might pay the whole interest by profits on part of the principal.

I am sure a sufficient sum cannot be borrowed in this country; and I do not believe that, just now, it can be borrowed anywhere. But I am persuaded that within a few months it may be obtained abroad on good terms.

It is evident that our pecuniary situation is bad, and that no

sufficient measures have been devised *in any quarter* to remedy mischiefs which exist, and obviate great evils which impend. If the above mentioned powers be given and a few legislative provisions of evident propriety be made, I verily believe the value of bank currency may be restored, and the difficulty of procuring money for credit be removed.

There is, moreover, little doubt, that measures may be taken by a properly associated pecuniary institution in the city of New York to make a national currency independent, so long as a prudent conduct is observed, of the smiles and frowns of our national government. The moral effect of this will be the same as the natural effect of the canal; to make New York mistress of the union.

I cannot enter into details on that subject; it would exceed the limits of a letter, and waste your time as well as mine. Suffice it to say, that my notions are not of yesterday. I foresaw and foretold, more than thirty years ago, the pernicious consequences to be apprehended from multiplying banks, some of which have been felt and others impend. It is not the least of our misfortunes, that all think themselves masters of a subject, in itself intricate, and understood by few. But men seldom fear what they cannot perceive, and will not take medicine when they do not suspect disease. I am, &c.

GOUVERNEUR MORRIS.

TO RUFUS KING.

Morrisania, March 1st, 1816.

Dear Sir,

I have received under your cover the Secretary's report on a general tariff. It contains some change of present duties for the better, and some for the worse. Specific rates are no doubt preferable to duties *ad valorem;* and, I think, he has occasionally converted the former into the latter without necessity or use.

Having classed the manufactures of the United States, he says of 'the first class which,' he thinks, 'are firmly established, and wholly, or almost wholly, supply the demand for domestic use and consumption,' that high duties (amounting to a prohibition) can do no harm, because 'competition among the domestic manufacturers alone would sufficiently protect the consumer from exorbitant prices;' and that, 'by imposing low duties upon the imported articles, importation would be encouraged and the revenue increased, but, *without adding to the comfort or deducting from the expense of the consumer*, the consumption of the domestic manufacture would be diminished.'

If I understand this, it means that people will prefer imported goods, when they can get home-made as good and as cheap. Perhaps it may be so; but if the imported goods be only as cheap in the sea ports, they must be dearer in the country. Moreover, I believe, if duties were so lowered as to produce foreign competition, our mechanics would do more and better work to their own advantage, and that of the community.

Among the articles in his first class, are hats and manufactures of leather. Fifty years ago our hatters so rivaled those of England, in their West India Islands, that a British statute was passed making American hats seizable when waterborne; and thirty years ago the leather manufactures of Philadelphia were as good and cheap as those of Britain. Indeed, before the revolution, little leather was imported by the Northern States. None of us then wore British hats, or British boots. American hats and boots cost but five dollars, and we should, I believe, export them now, if they could be imported duty free. In such case, those who make them, instead of spending two or three days of the week in idleness and drunkenness, would keep the commandment, and work six days faithfully. If, therefore, the supply be now sufficient from four days of indolent labor, it would be much more than sufficient from six days of industrious labor. Hides and lime are nearly as cheap as in the year 1763. We export bark.

Our system of revenue is in my opinion vicious, and the Secretary's tariff will make it worse. The present rates are so high, that if they be not lowered many articles will be fraudulently introduced. The duty on bohea tea is nearly as much as the cost in China. The duty on coffee, tea, sugar, ardent spirits, and wine, will yield ample profit to contraband trade. The coffee and sugar plantations in our neighborhood will soon glut again the markets. Coffee, when imported duty free, was retailed at thirteen to fifteen cents. The present duty, therefore, of five cents (and six are proposed) is a full third of its value. It will not cost more than half a cent a pound to place coffee, tea, and sugar, from Montreal along the line east of the St Lawrence, which separates us from Canada. For a cent a pound they can be deposited on the British shore of that river above St Regis. Ardent spirits and wine can be brought to the same stores at the rate of from five to ten cents per gallon; but the lowest present duty on the former article is twenty-five and on the latter twenty-three. Your Secretary proposes to raise one dollar per gallon on the best Madeira wine, but surely there is little chance of collecting this duty, when, for less than a fifth of it, the article can be smuggled. It was smuggled forty years ago to save a duty of less than ten cents.

I have not time to dwell on this subject; neither is it my business to form a system for the support of public credit; but it is the duty of us all to oppose what is wrong in any system, and they will be sadly duped, who impose pernicious taxes to please the men in power. Let those whose duty it is propose proper taxes; and if they do not, let those whose duty it is protect their constituents against injury and oppression. If those, who manage our finances, present an absurd system, a thing which though possible is not to be presumed, wise men who vote for it could hardly justify themselves to themselves, much less to others, by saying, we agreed to what was absurd, because nothing else was offered. I am, &c.

GOUVERNEUR MORRIS.

TO MOSS KENT.

Morrisania, March 3d, 1816.

Dear Sir,

I am sorry to see, by a late newspaper, that our friend King has eloquently supported a perpetual land tax. While you offer millions of acres to sell, is it wise to threaten those who buy with an everlasting yoke of taxation? The collection from wild land can only be made by sale. So long, therefore, as the tracts you dispose of remain unsettled, you annually resume a part of your grant.

If you will have a land tax, lay it on revenue. But why resort to this pernicious mode of replenishing your treasury? Why amerce those, who leave a settled country to lay open the bosom of an unproductive wilderness? Is it not enough, that you entice the youth of our country by high premiums, to quit the wholesome tillage of her soil for manufacturing sloth and debauchery? Is it not enough, that you subject the busy bees, on whose honey you live, to the extortion of drones, who must quit the hive or perish, if not supported by your profusion? Why travel on in the down hill road to ruin? Why degrade a yeomanry, our country's pride, by a useless, pernicious, tormenting imposition? There was a time when American farmers could cheer their friends with a glass of generous wine. Heavy *protecting* duties have exposed them an unprotected prey to the rapacity of mechanics, whose riot insults their want, and, bereaving them of comforts, has deprived the public of that rich revenue, which might be raised by a moderate impost on their enjoyments.

Now to cure the wounds, wantonly made on your farmers and finances, you try to squeeze out the last drop from their penury by the pressure of direct taxation. Why, in the name of Heaven, why uphold a system radically wrong! Is it because the odium inseparable from its oppression must render it every day more and more unpopular? Will not your best

friends begin, at last, to believe, what your taunting foes long since proclaimed, that Federalism and folly are synonymous terms. I am, &c.

GOUVERNEUR MORRIS.

TO RANDOLPH HARRISON, CLIFTON, VIRGINIA.

Morrisania, March 4th, 1816.

Dear Sir,

You are perfectly correct in supposing, that Mr Madison will have my feeble support so long as I approve of his measures. In public life, I regard men only as they are likely to pursue a wise and just course. I have no personal object, and wish only for the public welfare. In general, the policy of federal men was most agreeable to me, but they did some things, which I cannot reconcile to my notions of political economy. I cannot persuade myself, that heavy duties to force on hotbed manufactures, at the risk of smuggling, and with a certainty of diminishing the revenue, which would be derived from a moderate impost, is consistent with the morals, the wealth, or comfort of the community.

Those, who till the soil, are by this system laid under contribution, heavy contribution, to support the scum of England and Ireland, who come out to live in ease and idleness as mechanics. Those, who regard measures only as they tend to the partial advantage of particular districts, will rejoice in a system, which gives a profit to the Northern, drawn from the very vitals of the Southern States. *You* cannot have manufactories. *We* can. We already have some, and shall soon have many poor children, who can be pent up to march backward and forward with a spinning jenny, till they are old enough to become drunkards and prostitutes. But we can effect this sacrifice of the body and of the soul, only by previous sacrifice of our wealth and comfort. I stop; for if I pursue the subject it would fill many sheets. I am, &c.

GOUVERNEUR MORRIS.

TO LEWIS B. STURGES.

Morrisania, March 7th, 1816.

Dear Sir,

I think it next to impossible, that the Bank should pass in the form proposed. I do not believe any bank, in any form, can cure the disease for which it was proposed. And I believe a revival of the old bank would do more harm than good. *Non tali auxilio eget tempus.*

I am sorry the direct tax gets through, and still more so that it had federal aid.

Your financial system, though suited to my private interest, is radically wrong. The alterations made in it, from the beginning to the present day, have only made it worse; and, if the improvements of Mr Dallas be adopted, it must break down or blow up. Our country is, in the course of this experimental philosophy, distressed and impoverished by projects to outdo nature and outdo time.

It may be as you fear, that your age and habits render a northern residence unsuitable to your constitution. The steady winter of Canada is more pleasant and salubrious, than the unsteady winter of Washington, in the opinion of some, who have tried both, by reason of the precautions taken in a northern clime to guard against the severity of the season.

When I say, that your financial system accords with my private interest, I allude to the preference it gives to the northern over the southern part of our State. Last summer, London porter was said to be as cheap on our side of the St Lawrence, as at Montreal. The prevention of illicit trade across that river appears to me impossible. An increase, therefore, of the duty on imports is an additional bounty to those, who quit the Sound for the St Lawrence; already, a man had better buy a farm there, than get one here for nothing. He can raise more grain with less labor, and get more of what he wants for every bushel. I am, &c.

GOUVERNEUR MORRIS.

TO MOSS KENT.

Morrisania, March 15th, 1816.

Dear Sir,

I have received yours of the 8th instant. I am glad the direct tax is to be only an annual weed, for I agree with you, that it is oppressive in practice, though I cannot agree with you that it is correct in principle. The French economists assumed, that all revenue is derived from land, and deduced from thence the axiom, that all taxes should be levied on it. The assumption was unfounded, and the deduction illogical. It would be nearer truth, and yet not true, to say that all revenue is derived from labor. But were that the fact, it would not follow, that labor should bear the whole weight of taxation.

Suppose that, agreeably to this axiom, revenue were drawn exclusively from land. It would be not only unjust, but ruinous, to permit the introduction of foreign produce, for tillage would in such case be abandoned, and the landholder be obliged to rely on cattle and spontaneous productions for support, cultivating only so much as would furnish bread to his own family. Look with your mind's eye at the terrestrial paradise of Tuscany under this regimen. See forests sprouting up in fields, which now wave with abundance. See peasants leading their wives and children to seek subsistence where culture is not proscribed.

If on the other hand, in recompense for their heavy burdens, you give cultivators exclusive possession of the home market, you may bid adieu to labors of the loom and anvil. The fear of famine, sometimes real, frequently factitious, will drive tradesmen away. Moreover, the dearness of subsistence and raw materials will disable them from manufacturing as cheaply as those of other countries.

My good friend, it requires much attention, much observation, much reflection, with sound sense and honest impartiality to impose taxes in such a manner, as to promote national pros-

perity, without impairing individual felicity. Wise rulers will learn from the beneficence of nature, to exhale a tributary vapor from the broad surface of land and sea, then pour it out in refreshing showers. Above all, those who contrive taxes in a popular government, should take a lesson from rural life, and draw what milk they want from the teats of their cow, instead of straining in vain to extract it from her horns.

I wish your plan for giving yourselves salaries may answer. The idea is prepossessing, but it will, I fear, meet with unexpected difficulties in practice.

Mend your Bank as you may, it will be but a sorry beast at last; too weak to drag you out of the mire. Lawyers are in the habit of citing cases, and are apt when they turn statesmen to carry their professional practice into public office. Lord Chesterfield, after observing that no two cases exactly parallel ever perhaps existed, says he should not be surprised if it were proposed (war then raging with France) to keep in the Tower a flock of geese, because the Roman capital was saved from the Gauls by the cackling of geese. The first Bank in this country was planned by your humble servant. It was one of many contrivances to rescue our finances from ruin; and I hesitate not to affirm, that the difficulties you have now to contend with are children's play compared to those we then encountered. I have as little hesitation in saying, that what was medicine then would be poison now. The cases differ in every essential circumstance. But I know a physician, and of high reputation, who, because bleeding, emetics, and cathartics are resorted to with advantage in the spring, by well fed epicures of the north, took it in his head to pursue the same course with weak and worn out soldiers in the autumn of a southern clime. The poor fellows paid their lives for the doctor's parallel case.

I am, &c.

GOUVERNEUR MORRIS.

TO RUFUS KING.

Morrisania, March 15th, 1816.

Dear Sir,

I have received yours of the ninth, and am pleased to learn, that you stand a candidate for the government. The office, could it be restored to what we made it by the Constitution, is of great dignity; but cut down by Mr Burr's Convention from a seventy-four to a razee, it is not worth your acceptance. I feel, therefore, and applaud your selfdenial, convinced that your experience, your self command, your coolness, and discretion will be of great use. They may perhaps raise the office to its original worth.

I am also glad, that circumstances enabled you, consistently with your sense of right, to vote against the direct tax. If I mistake not, I took the liberty of expressing to you last session my conviction, that our sister States of the South and West would neither continue nor pay it.

You must not expect to draw money from planters by any but indirect means. Men out of the line of commerce have no money. If, therefore, you wish to collect cash, you must first send and spend it there. Then, indeed, you may draw back a small portion of your expenditure. The only way in which that country can be turned to good account, is by making the canal from lake Erie to Hudson river. I was laughed at a few years ago for my wild notions (so they were called) on that subject. These wild notions have since been so tamed as to become domestic cattle. Now that the plan has grown popular, it finds fathers by the dozen. Nay, its opposers, finding their batteries have failed, are forced to work by sap.

That Mr Madison's influence should decline is to be expected. Who is to be the successor? It seems to be acknowledged, that no Federal character can run with success. Nevertheless, I believe that if Howard of Maryland were started against Monroe, he would stand a tolerable chance. The Democrats can, I believe, be heartily united by nothing

but the fear, that a Federalist of superior talents should be chosen. I have at the same time doubts, whether our friends in the Southern States would warmly support a candidate from the North. Should James Ross of Pennsylvania be held up also as Vice President, it would conduce to the union of one party and contribute to distract the other. Howard has good sense, honor, courage, and integrity. Ross is a man of the higher order of talents. I am, &c.

GOUVERNEUR MORRIS.

TO RANDOLPH HARRISON.

Morrisania, May 8th, 1816.

Dear Sir,

The commerce of our country is nearly at a stand. Dry goods are selling under prime cost, and provisions are cheaper at Lisbon and Cadiz, than at New York. Much of mercantile capital is, therefore, annihilated. The loss on imported commodities does not immediately affect the community, collectively considered, because those commodities having been purchased and paid for abroad, the price they sell for here affects only domestic relations. But the loss on exports, though it falls in the first instance on our merchants, is eventually borne by the whole country. In the olden times our exports were chiefly made by order of British merchants, at a sterling limit, so that the price abroad affected them, not us. But it is evident that if 100,000 barrels of flour, sent to Lisbon on American account, produce only six instead of sixteen dollars per barrel, the country is less rich by a million.

There is another view, which ought not to escape the eye of a statesman. It may be supposed, that a loss on goods imported is a gain to the consumer. But this idea is not correct. Money price and real price are different things; for dollars are but counters to score the commercial game. When a planter buys cloth dear, at eight dollars, and sells wheat at

two, he pays four bushels of wheat for one yard of cloth; but when he buys cloth cheap, at five dollars, and sells wheat at one, he pays five bushels of wheat for one yard of cloth; so that four yards of cheap cloth cost him as much as five yards of dear cloth.

Another and an important view remains for legislative consideration. Goods excluded by high protecting duties, equal to a prohibition, maintain their money price, the home manufacture being secured against foreign competition. The consumer of such goods, therefore, pays twice as much produce for them now, as he did six months ago, when he paid much more than he ought.

Let us look a little at the effect, which these things have on our revenue, our credit, and our country. I shall say nothing new, nothing that I have not said and written, when required by the occasion, ten years ago. In the first place it is evident, that the principal weight of taxes falls, at present, on merchants, and must, if collected, cripple them for a long time to come, suffering as they are both in the import and export trade. This double weight will crush many, and the pressure is increased by a natural consequence of improvident legislation. Banks have been so multiplied, that credit is shaken. They cannot, therefore, assist those, who want money. As is usual in such circumstances, a few who have cash employ it in usurious contracts, squeezing the very vitals out of those, whom necessity drives to ask their aid. It is evident, that, under these circumstances, few have the means and the inclination to purchase national stock. The price of it, therefore, must be merely nominal, unless foreigners come into the market. What likelihood there is of their interference we shall presently see.

The merchants, tottering on the brink of bankruptcy, are bound for each other to the government, whose engagements must again be violated unless the duties can be collected. Treasury notes will discharge taxes but nothing else. He, therefore, who has received them from the government, must,

before he can pay his baker, send for the broker to convert them into currency, at a considerable discount. Some of those, from whom revenue is to be collected, have the means of payment; others have not, but both will delay; the former, to purchase notes cheap; the latter, to convert property into cash; and so long as notes are cheap, the collectors will pay nothing else. The government therefore will have nothing else to meet its engagements.

Moreover, delay alone will force the treasury to increase the quantity of notes in circulation, or suspend its payments. If they take the former course, treasury notes will depreciate still faster. If the latter, the public debt will become a drug. At any rate, the depreciation of notes paid for interest must depreciate a debt on which they are paid. It cannot therefore be expected, that foreigners will give their specie for our stock. But if capitalists, both at home and abroad, decline purchasing stock, those banks, which stretched their credit to accommodate government, or assist subscribers to its loans, cannot by the sale of stock absorb their notes and resume specie payment.

Quitting this part of the subject, let us turn to what more particularly concerns us, who cultivate the soil. I see, in a late paper, that out of twenty-six millions sterling, the British revenue, one million is derived from a land tax. Observe, I pray you, that in England there is no unproductive land. Even their pleasure grounds yield something in venison and the pasturage of cattle, besides the increase of timber. The British land tax, therefore, falls on revenue. But not a fifth part of our country yields anything. A direct impost on such land is not taxation, but confiscation. Supposing, however, the principle were just, the weight is enormous. Taking as a rule the British proportion, of one in twenty-six, a land tax of three millions would be the component part of a seventy eight millions revenue; and yet we have been taught to speak with self complacency of our happy condition, in respect to taxes compared with miserable British subjects.

Note here, I pray you, by way of parenthesis, that these same miserable subjects, who, it was supposed, would perish unless fed by our munificence, have sent to New York and made there a profitable sale of wheat, beef, pork, and butter.

But let us suppose this tax were laid in reasonable measure on productive property; a great part of it would, I fear, remain unpaid. If rice, cotton, and tobacco still bear a price, those who possess them may get currency of some sort or other; but those, who have nothing but wheat, cannot find purchasers, still less can they obtain specie. That part of the revenue, therefore, which is to be drawn from them cannot be collected in season, if indeed it can ever be collected.

I say nothing of the National Bank, because I think it will fail for want of subscribers. Should it go into operation, it will increase the public distress. I am very sorry the system of finance adopted by Congress is not more efficient and less oppressive. When that body assembled, it would have been easy to put our affairs in order, but the task grows more difficult every day. You may ask, as others have done, why the aid of my counsel was not offered. Experience, my friend, has taught me, that he who pretends to advise men clothed with authority, is treated as a self-conceited coxcomb. If he happens, moreover, to be of a proscribed party, his reflections may be considered as satire, and, instead of producing good to others, bring forth evil to himself. I could not, therefore, deeply as I felt for my country, presume to offer information, or suggest resources. I say this, lest you should blame me for remaining an idle spectator of measures, which I believed to be injurious; and I wish moreover to show you why I cannot give them the feeble aid of my approbation. What I have said is not intended as a criticism, but to prevent you, should you chance to hear my opinion of them, from doubting the sentiments expressed in my last letter. Those sentiments are sincere. The welfare of our country is my single object, and although I never sought, refused, nor resigned an office, there is no department of government in which I have not been called to act. With what success is not for me to say.

I have noted above the advantage, which they possess, who have cultivated particular articles, among which is tobacco, a staple of the Ancient Dominion. I think it right, therefore, to mention, before I close this tedious epistle, that shortly after the war of independence, America produced annually about one hundred thousand hogsheads, of which there was a regular demand for about eighty thousand. The quantity made now is I believe diminished, and the magazines of Europe being empty, the demand is increased. But these circumstances will change in the space of two or three years, and then the planter of tobacco will again groan over disappointed hopes, as he did thirty years ago when I was in Virginia. I am, &c.

GOUVERNEUR MORRIS.

TO THE COMMITTEE OF CORRESPONDENCE, PHILADELPHIA.

Morrisania, August 27th, 1816.

Gentlemen,

I received your favor of the 21st instant last evening. From the moment that many federal members of Congress voted for war taxes, I considered that party as lost. When, at an earlier date, men of tried talents and integrity were laid aside, because their zeal in your cause had rendered them obnoxious to your opponents, observers concluded it was no longer a question of principle, but of power. This idea is fatal to a party, which claims confidence on the score of principle.

I believe that all which can now be effected by your most strenuous efforts, is, to keep your antagonists together. Your association cannot, in the nature of things, be a secret; and, when known, will rally them, if previously divided.

I believe, therefore, the best course you can pursue is to leave them the whole ground. The country is suffering and will continue to suffer. If you come forward, Democrats will stifle their feelings to support their party, not so much because

they love it, as because they hate you. If you leave them to themselves, they will split and abuse each other. Charges, which in their mouth will produce distrust of their leaders, would in yours increase their confidence.

But, gentlemen, let us forget party, and think of our country. That country embraces both parties. We must endeavor, therefore, to save and benefit both. This cannot be effected, while political delusions array good men against each other. If you abandon the contest, the voice of reason, now drowned in factious vociferation, will be listened to and heard. The pressure of distress will accelerate the moment of reflection ; and when it arrives, the people will look out for men of sense, experience, and integrity. Such men may, I trust, be found in both parties ; and, if our country be delivered, what does it signify whether those who operate her salvation wear a federal or democratic cloak ?

Perhaps the expression of these sentiments may be imprudent; but, when it appears proper to speak truth, I know not concealment. It has been the unvarying principle of my life, that the interest of our country must be preferred to every other interest. I am, &c.

GOUVERNEUR MORRIS.

SPEECHES

DELIVERED IN THE SENATE

OF THE

UNITED STATES.

In February, 1801, an act was passed making some new arrangements in the Judiciary system, as it then existed, and especially providing for several new Circuit Courts and new Judges.

At the next session of Congress a resolution was introduced into the Senate for repealing this act. The two following speeches of Mr Morris were delivered on this occasion against the repeal.

FIRST SPEECH

ON THE

JUDICIARY ESTABLISHMENT.

Delivered in the Senate of the United States, January 8th, 1802.

Mr President,

I am so very unfortunate, that the arguments for repealing the law, to which this motion refers, have confirmed my opinion that it ought not to be repealed. The honorable mover has thought fit to rest his proposition upon two grounds;

First, That the judiciary law, passed last session, is unnecessary and improper.

Secondly, That we have, by the Constitution, a right to repeal it; and, therefore, ought to exercise that right.

The numerical mode of argument he has made use of, to establish his first point, is perfectly novel, and, as such, it commands my tribute of admiration. This, indeed, is the first time I ever heard that the utility of Courts should be estimated by the number of suits, which they are called on to decide. I remember once to have read, that a justly celebrated monarch of England, the great Alfred, had enacted such laws, established such tribunals, and organized such a system of police, that a purse of gold might be hung upon the side of the highway, without any danger that it would be stolen. But, Sir, had the honorable gentleman from Kentucky existed in

those days, he would, perhaps, have attempted to convince old Alfred, that he had been egregiously mistaken; and, that a circumstance, which he considered as the pride and glory of his reign, had arisen from its greatest defect and sorest evil. For, by assuming the unfrequency of crimes as the proof that tribunals were unnecessary, and thus boldly substituting the effect for the cause, the gentleman might have demonstrated the inutility of the institution, by the good which it had produced. Surely this kind of reasoning is, of all others, the most false and the most fallacious.

But, Sir, if with that poor measure of ability, which it has pleased God to give me, I march on the ground I have been accustomed to tread, and which experience has taught me to consider as solid, I would venture the assertion, that in so far as our judicial institutions may accelerate the performance of duties, promote the cause of virtue, and prevent the perpetration of crimes, in that same degree ought they to be estimated and cherished. This, Sir, would be my humble mode of reasoning, but for the wonderful discovery made by the honorable mover of the resolution on your table.

To prove, that the law of last session was *improper*, as well as *unnecessary*, we have been told of the vast expense of our judiciary. We are referred to the *estimates*, which lie before us, for *proof* that it amounts to no less than the yearly sum of one hundred and thirty-seven thousand dollars. And then, attributing the whole expense to this particular law, it has been assumed in argument, that to repeal the law would operate a saving of one hundred and thirty-seven thousand dollars.

If, Sir, the data upon which the honorable member has founded his other arithmetical arguments are equally incorrect, the inferences drawn from them will merit but little attention. Of this whole sum, of one hundred and thirty-seven thousand dollars, (mentioned in the estimates of your Secretary of the Treasury) no less than forty-five thousand dollars are stated as the supposed contingent expense, to accrue for the attendance of jurors, witnesses, &c. From hence is fairly to be inferred the expectation, that much business will be actually done.

The expense, supposed to accrue from the law we are called on to repeal, is but thirty-two thousand dollars for salaries, and fifteen thousand for contingences, making together forty-seven thousand dollars. But let us not stint the argument. Let us make a generous allowance. Let us throw in a few thousands more, and take the amount at fifty-one thousand dollars. Let that sum be apportioned among the people of the United States, according to the census lately taken, and you will find, that the share of each individual is just one cent. Yet, for this paltry saving of a cent a man, we are called on to give up what is most valuable to a nation.

Undoubtedly, it is one great purpose of government to protect the people from foreign invasion, and to be in readiness for it a considerable armament may be necessary. The maintenance of naval and military force to protect our trade, and to guard our arsenals and magazines, will alone require much money; to provide which, you must raise a considerable revenue. That again will for the collection of it demand many officers, involving a still greater expense. All this must be paid, and yet all these provisions are for events uncertain. An invasion may, or may not, take place. Nay, if I may judge from certain documents, those who administer our affairs have little apprehension of such an event. I hope they may not be deceived. But, admitting that we have no danger to fear, or, which comes to the same thing, that we are properly secured against it; what else have the people a right to demand, in return for the whole sum expended in the support of government? They have a right to ask *that*, without which protection from invasion, nay government itself, is worse than useless. *They have a right to ask for the protection of law, well administered by proper tribunals, to secure the weak against the strong, the poor against the rich, the oppressed against the oppressor.* This, which involves but little expense, is all they ask for all their money. And is this little to be denied? Must the means by which the injured can obtain redress be curtailed and diminished, to save a poor and pitiful

expense? You must pay largely to support but a small force, and much is to be feared from armies. They, indeed, may turn their swords against our bosoms. They may raise to empire some daring chief, and clothe him with despotic power. But what danger is to be apprehended from that army of judges, which the gentlemen have talked of? Is it so great, so imminent, that we must immediately turn to the right about the new corps, lately raised, of sixteen rank and file?

Gentlemen say that we must, and bid us recur to the ancient system. What is that system? Six judges of the Supreme Court, to ride the circuit of all America twice a year, and assemble twice a year at the seat of government. Without inquiring into the accuracy of a statement which the gentleman has made, respecting the Courts of England, (in which, however, he will find himself much mistaken) let me ask what will be the effect *here* of restoring that old system? Cast an eye over the extent of our country, see the distance to be travelled in making the circuits, and a moment's consideration will show, that if we resort to the old system, the first magistrate, in selecting a character for the bench, must seek less the learning of a judge, than the agility of a postboy. Can it be expected, is it possible, that men advanced in years, (for such alone have the maturity of judgment which befits that office) men educated in the closet, men, who from their habits of life must have more strength of mind than of body; is it, I say, possible, that such men can be continually running from one end of the continent to the other? Or if they could, can they find time also to hear, consider, and decide, on numerous and intricate causes? No, Sir, they cannot. I have been well assured by men of eminence on your bench, that they would not hold their offices under the old arrangement.

What is the present system? You have added seven district and sixteen circuit judges. These are fully competent to perform the business required, and the complaint is merely on the score of expense. No one has pretended that the

business will not be done as speedily and as well. It is merely to save expense, therefore, that we are called on to repeal the law. But what will be the effect of this desired repeal? Will it not be a declaration to the remaining judges, that they hold their offices subject to your will, and during your pleasure? And what is the natural effect of that declaration? Is it not, that, dependent in this situation, they will lose the independent spirit essential to a due exercise of their authority? Thus, then, the check established by the Constitution, desired by the people, and necessary in every contemplation of common sense, will be destroyed. It has been said, and truly said, that governments are made to provide against the follies and vices of men. To suppose that governments rest upon reason, is a pitiful solecism, for if mankind were reasonable, they would want no government. From the same cause it arises, that checks are required in the distribution of power, among those to whom it is confided, and who are to use it for the benefit of the people. Here, then, let me ask, whether the people of America have vested all power uncontrolled in the National Legislature? Surely they have not. They have prescribed to it certain bounds, and in the natural supposition that these bounds might be transgressed, they have vested in the judges a check, which they supposed to be salutary and intended to be efficient. A check of the first necessity, because it may prevent an invasion of the Constitution by unconstitutional laws. And to secure the existence and the operation of this check, there is a provision highly important, whose object is to prevent any party or faction from intimidating or annihilating the tribunals themselves.

On this ground, then, I stand to arrest the victory meditated over the Constitution of my country. A victory meditated by those, who wish to prostrate that Constitution for the furtherance of their ambitious views. Not, Sir, the views of him who recommended, nor of those who now urge this measure (for on his uprightness, and on their uprightness, I have

full reliance,) but of those who are in the back ground, and who have further and higher objects. To them our national compact forms an insurmountable barrier. Those troops, therefore, which protect the outworks of the Constitution are to be first dismissed; those posts, which present the most formidable defence, are first to be carried; and then the Constitution becomes an easy prey.

Let us consider, therefore, whether we have constitutionally the power to repeal this law. And to this effect, let us hear the language of the Constitution. 'The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior Courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation, which *shall not be diminished* during their continuance in office.' On this, Sir, I have heard a verbal criticism, about the words *shall* and *may*, which appears to me wholly irrelevant. And it is the more unnecessary, as the same word, *shall*, is applied to the provisions contained in both members of the section. It says, 'The judicial power *shall* be vested in *one* Supreme Court, and in *such* inferior Courts as the Congress *may*, *from time to time*, ordain and establish.' The Legislature have, therefore, the undoubted right to determine what inferior Courts they will establish; but, when once *established*, a part of the judicial power *shall* vest in them. The words are imperative, and so they are as to the tenure of the office, which the Legislature in the exercise of this discretionary power may have created. The judges, it says, *shall hold their offices during good behavior*. Thus, upon the establishment of the tribunal, the Constitution has declared, that the judicial power shall vest and the office be held during good behavior. The second member of the section is equally imperative. It declares, that they *shall* receive a compensation, which *shall not be diminished* during their continuance in office.

Whether we consider, therefore, the tenure of office or the quantum of compensation, the language is equally clear and conclusive. After this simple exposition, gentlemen are welcome to every advantage they can derive from a criticism upon *shall* and *may*.

Another criticism has been made, which, but for its serious effects, I would call pleasant. The amount of it is, you shall not take the man from the office, but you may take the office from the man; you shall not throw him overboard, but you may sink his boat under him; you shall not put him to death, but you may take away his life. The Constitution secures to a judge his office, says he shall hold it, (that is, it shall not be taken from him) during good behavior; the Legislature shall not diminish, though their bounty may increase his salary; thus, the Constitution has made all possible provision for the inviolability of his tenure, as far as the power of language can extend; and, if not, I call on gentlemen to show the contrary, by giving us words more clear, more precise, more definite. If, after the strong positive expressions, any negative terms had been added, would it not have been improper? If the framers of the Constitution had said, the judges *shall hold* their offices, which *shall not be taken away*, would not this have been ridiculous? Would it not have almost amounted to what, in vulgar language, is called a bull? Would it not have been inconsistent with the gravity of style proper for such an important and serious subject? Let us, I repeat it, Sir, be favored with the words, if any words can be used, more positive, more inhibitory, more peremptory, than those contained in this instrument. And is it not a mere contradiction in terms to say, we may *destroy* an office which we cannot *take away*? Will not the destruction of the office as effectually destroy the tenure, as the grant to another person?

But, we are asked if these laws are immutable. Unquestionably, Sir, the legislature have a right to alter, change, and modify, and amend, the laws which relate to the judiciary, so as may best comport with the interest, peace, and happiness,

of the people. This right, however, is confined by the limitations which the Constitution prescribes. Neither the legislative nor the executive powers, nor both, can remove a judge from office during his good behavior. There is no power anywhere competent to this purpose; (saving always the right of a conqueror, for that is a power not derived from, but subversive of the Constitution;) and yet, it is contended, that by the repeal of the law, that office, from which he cannot be removed, may be destroyed. Is not this absurd?

But to prove it, we have been told, that whatever one legislature can do another can undo; that no legislature can bind its successor, and that a right to make involves a right to destroy. All this I deny on the ground of reason, and on the ground of the Constitution. What! can a man rightfully destroy his own children? When the legislature have created by law a political existence, can they by repealing the law dissolve the corporation they had made? You say you can undo whatever your predecessors have done. Your predecessors have borrowed money at high interest; can you now reduce that interest? They have funded the national debt; have you now a right to abolish that debt? Under a pressure of necessity, you have given an usurious consideration of eight per cent to obtain money; can you now, because it is onerous, annihilate that contract? When by your laws you have given to any individual the right to make a road or a bridge, and to take a toll, can you by a subsequent law take it away? No; when you make a compact you are bound by it. When you make a promise you must perform it. Establish the contrary doctrine, and mark what follows. The whim of the moment becomes the law of the land. You declare to the world that you are no longer to be trusted, that there is no safety, no security, in America. You erect a beacon, to warn all men of property that they do not approach your shores. Honest men will avoid you. They will fly from you. They will consider you as a den of robbers. How can you ask any one to put confidence in you,

when you are the first to violate your own contracts? The position, therefore, that the legislature may *rightfully* repeal every law made by a preceding legislature is untrue, when tested merely by reason. Still more untrue is it, when compared with the precepts of the Constitution. The national legislature of America does not possess unlimited power,—it has no pretence to omnipotence. It is restrained by the Constitution. And what does the Constitution say? 'You shall make no *ex post facto* law.' Is not this an *ex post facto* law.

Gentlemen, to show that we may properly repeal the law of last session, tell us it is *mere theory*. For argument's sake it shall be granted. What then is the language of reason? Try it. Put it to the test of experience, after two or three years shall point out defects, or if they can now be pointed out, amend the law. What respect can the people have for a legislature, that hastily and without reflection meets but to undo the acts of its predecessor? Is it prudent, is it decent, even if the law were improper, thus to commit our reputation and theirs? Is it wise, nay, is it not highly dangerous to make this call on the people to decide which of us are fools? One of us must be.

Such, Sir, will be the effect of this hasty repeal on the public mind. What will it be on the injured man, who seeks redress in your Courts, and whom you have thus deprived of his right? You have saved him a miserable cent, at the price perhaps of his utter ruin.

The honorable mover of this resolution, Sir, in persuading us to adopt it, has told us not only what is, but what is to be.

He has told us that suits have decreased, and that they will decrease. Nay, relying on the strength of his preconceptions, he tells us, that the internal taxes will be repealed, and grounds the expediency of repealing the judiciary law upon the annihilation of those taxes. Thus, taking for granted the nonexistence of taxes which still exist, he has inferred from their destruction, and the consequent cessation of suits, the in-

tended. He has told us, that the last Congress, in reducing the judges of the Supreme Court from six to five, have exercised the right which is now questioned, and made thereby a legislative construction of this clause in the Constitution, favorable to the motion on your table. But look at the law. It declares that the reduction shall not take place, until, by death or resignation, there shall remain only five. Thus, in the very moment when they express *their opinion* that five judges are sufficient, they acknowledge *their incapacity* to remove the sixth. The legislative construction, therefore, is, that they have not the right which is now pretended.

The same honorable member has cited other cases from the same law, which if I understood his statement, amount to this, that Congress have increased the number of district judges: but surely this cannot prove, that we have a right to diminish the number. It will I think appear, Sir, that this law, so much complained of, is in no wise chargeable with maintaining the dangerous doctrine to be established by its repeal.

The whole argument in favor of the motion comes to this simple proposition. *let us get rid of these judges to save expense.* We can *repeal* the law, because we *made* the law; we have the *power*, let us *exercise* it. But, let me ask, Sir, if this argument will not go to prove anything. Will it not go to the abolition of the debts incurred by the last Congress? Shall it be said, that the cases differ because the debt results from a contract with the creditor sanctioned by the legislature? Sir, you have made a contract with the judges, sanctioned by higher authority. You indeed created the office, but when created, the Constitution fixed its duration. The first magistrate in our country, with this Constitution in his hand, applies to men of high character and great ability. He asks them to quit a lucrative and honorable profession, to abandon their former pursuits, to break their ancient connexions, and give their time, their talents, and their virtues, to the service of their country. What does he offer as a compensation? He offers

a high and honorable office, to be holden by no capricious will, to depend on no precarious favor. The duration is to be terminated only by death or misconduct. The legislature has affixed a salary, which they may increase, but cannot diminish. Upon these proffered terms, the judge accepts. The contract is then complete. A contract which rests no longer on the legislative will. He is immediately under the protection of the Constitution itself, which neither the President nor the legislature can defeat. His authority rests on the same foundation with yours. It is derived from the same source. Will you pretend, that you are bound by your contract with him, who lent you money at eight per cent interest, and that you are not bound by your contract with him, who devotes his life to your service! Will you say that the consideration you have received is to make a difference, and that paltry pelf is to be preferred to manly worth? Is *that* to be respected, and *this* despised? Surely, Sir, the contract with a judge is, of all others, the most solemn. It is sanctioned by the highest of all authority. Can you then violate it? If you can, you may throw this Constitution into the flames. It is gone—It is dead.

SECOND SPEECH

ON THE

JUDICIARY ESTABLISHMENT.

Delivered in the Senate of the United States, January 14th, 1802.

Mr President,

I had fostered the hope that some gentleman, who thinks with me, would have taken upon himself the task of replying to the observations made yesterday and this morning, in favor of the motion on your table. But since no gentleman has gone so fully into the subject as it seems to require, I am compelled to request your attention.

We were told yesterday by the honorable member from Virginia, that our objections were calculated for the bystanders, and made with a view to produce effect upon the people at large. I know not for whom this charge is intended. I certainly recollect no such observations. As I was personally charged with making a play upon words, it may have been intended for me. But surely, Sir, it will be recollected that I declined that paltry game, and declared that I considered the verbal criticism which had been relied on as irrelevant. If I can recollect what I said, from recollecting well what I thought and meant to say, sure I am, that I uttered nothing in the style of an appeal to the people. I hope no member of this House has so poor a sense of its dignity, as to make such an appeal. As to myself, it is now near thirty years since I was called into

public office. During that period, I have frequently been the servant of the people, always their friend; but at no one moment of my life their flatterer, and God forbid that I ever should be. When the honorable gentleman considers the course we have taken, he must see that the observation he has thus pointed can light on no object. I trust, that it did not flow from a consciousness of his own intentions. He, I hope, had no view of this sort. If he had, he was much, very much mistaken. Had he looked around upon those, who honor us with their attendance, he would have seen that the splendid flashes of his wit excited no approbatory smile. The countenances of those, by whom we were surrounded, presented a different spectacle. They were impressed with the dignity of this House; they perceived in it the dignity of the American people, and felt with high and manly sentiment their own participation.

We have been told, Sir, by the honorable gentleman from Virginia, that there is no independent part of this government; that in popular governments, the force of every department, as well as the government itself, must depend upon popular opinion. And the honorable member from North Carolina has informed us, that there is no check for the overbearing powers of the legislature, but public opinion; and he has been pleased to notice a sentiment I had uttered. A sentiment which not only fell from my lips, but which flowed from my heart. It has, however, been *misunderstood* and *misapplied*. After reminding the House of the dangers to which popular governments are exposed, from the influence of designing demagogues upon popular passion, I took the liberty to say, that *we*, we the Senate of the United States, are assembled here 'to save the people from their most dangerous enemy, to save them from themselves;' to guard them against the baneful effects of their own precipitation, their passion, their misguided zeal. It is for these purposes that all our Constitutional checks are devised. If this be not the language of the Constitution, the Constitution is all nonsense. For why are the Senators chosen by communities, and the Representatives di-

rectly by the people? Why are the one chosen for a longer term than the other? Why give one branch of the legislature a negative upon the acts of the other? Why give the President a right to arrest the proceedings of both, till two thirds of each should concur? Why all these multiplied precautions, unless to check and control that impetuous spirit, that headlong torrent of opinion, which has swept away every popular government that ever existed?

With most respectful attention, I heard the declaration of the gentleman from Virginia of his own sentiment. 'Whatever,' said he, 'may be my opinion of the Constitution, I hold myself bound to respect it.' He disdained, Sir, to profess an affection he did not feel, and I accept his candor as a pledge for the performance of his duty. But he will admit this necessary inference from that frank confession, that although he will struggle against his inclination, to support the Constitution, even to the last moment, yet, when in spite of all his efforts it shall fall, he will rejoice in its destruction. Far different are my feelings. It is possible, that we are both prejudiced, and that in taking the ground on which we respectively stand, our judgments are influenced by the sentiments which glow in our hearts. I, Sir, wish to support this Constitution, because I love it. And I love it, because I consider it as the bond of our union; because, in my soul, I believe, that on it depends our harmony and our peace; that without it, we should soon be plunged in all the horrors of civil war; that this country would be deluged with the blood of its inhabitants, and a brother's hand be raised against the bosom of a brother.

After these preliminary remarks, I hope I shall be indulged, while I consider the subject in reference to the two points, which have been taken, the *expediency* and the *constitutionality* of the repeal.

In considering the *expediency*, I hope I shall be pardoned for asking your attention to some parts of the Constitution, which have not yet been dwelt upon, and which tend to elucidate this part of our inquiry. I agree fully with the gentle-

man, that every sentence, every section and every word of the Constitution ought to be deliberately weighed and examined; nay, I am content to go along with him, and give its due value and importance to every stop and comma. In the beginning we find a declaration of the motives, which induced the American people to bind themselves by this compact. And in the foreground of that declaration, we find these objects specified; *to form a more perfect union, to establish justice, and to insure domestic tranquillity.* But how are these objects effected? The people intended *to establish justice.* What provision have they made to fulfil that intention? After pointing out the Courts which should be established, the second section of the third article informs us,

'The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases effecting Ambassadors, other public Ministers and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

'In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.'

Thus then we find, that the judicial power *shall* extend to a great variety of cases, but that the Supreme Court shall have only *appellate* jurisdiction in all admiralty and maritime cases, in all controversies between the United States and private citizens, between citizens of different States, between

citizens of the same State claiming lands under different States, and between a citizen of the United States and foreign States, citizens or subjects. The honorable gentleman from Kentucky, who made the motion on your table, has told us, that the Constitution in its judiciary provisions contemplated only those cases, which could *not* be tried in the State Courts. But he will, I hope, pardon me when I contend, that the Constitution did not merely comtemplate, but did by express words reserve to the national tribunals a right to decide, and did secure to the citizens of America a right to demand their decision in many cases, evidently cognizable in the State Courts.

And what are these cases? They are those in respect to which it is by the Constitution presumed, that the State Courts would not always make a cool and calm investigation, a fair and just decision. To form, therefore, a more perfect union, and to insure domestic tranquillity, the Constitution has said, there shall be Courts of the Union to try causes, by the wrongful decision of which the Union might be endangered, or domestic tranquillity be disturbed. And what courts? Look again at the cases designated. The Supreme Court has no *original* jurisdiction. The Constitution has said, that the judicial powers shall be vested in the *Supreme* and *Inferior* Courts. It has declared that the judicial powers so vested shall extend to the cases mentioned, and that the Supreme Court shall *not* have *original* jurisdiction in those cases. Evidently, therefore, it has declared that they shall, in the first instance, be tried by *Inferior* Courts, with appeal to the *Supreme Court*. This, therefore, amounts to a declaration that the *Inferior* Courts *shall* exist. Since without them the citizen is deprived of those rights for which he stipulated, or rather those rights verbally granted, would be actually withheld; and that great security of our Union, that necessary guard of our tranquillity, be completely paralyzed, if not destroyed. In declaring, then, that these tribunals *shall exist*, it equally declares, that the Congress *shall* ordain and estab-

lish them. I say they *shall;* this is the evident intention, if not the express words, of the Constitution. The Convention in framing, the American people in adopting that compact, did not, could not presume that the Congress would omit to do, what they were thus bound to do. They could not presume, that the legislature would hesitate one moment, in establishing the organs necessary to carry into effect those wholesome, those important provisions.

The honorable member from Virginia has given us a history of the judicial system, and in the course of it has told us, that the judges of the Supreme Court knew, when they accepted their offices, the duties they were to perform and the salaries they were to receive. He thence infers, that if again called on to do the same duties, they have no right to complain. Agreed. But that is not the question between us. Admitting that they have made a hard bargain, and that we may hold them to a strict performance, is it wise to exact their compliance to the injury of our constituents? We are urged to go back to the old system; but let us first examine the effects of that system. The judges of the Supreme Court rode the circuits, and two of them with the assistance of a district judge held circuit Courts, and tried causes. *As a Supreme Court* they have in most cases only an appellate jurisdiction. In the first instance, therefore, they tried a cause sitting *as an Inferior Court*, and then on appeal tried it over again *as a Supreme Court*. Thus then, the appeal was from the sentence of the judges to the judges themselves. But say, that to avoid this impropriety, you will incapacitate the two judges, who sat on the circuit, from sitting in the Supreme Court, to review their own decrees. Strike them off, and suppose either the same or a contrary decision to have been made on another circuit, by two of their brethren in a similar case. For the same reason you strike *them* off, and then you have no Court left. Is this wise? Is it safe? You place yourself in a situation, where your citizens must be deprived of the advantage given to them of a Court of Appeals, or else run the

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lish them. I say they *shall;* this is the evident intention, if not the express words, of the Constitution. The Convention in framing, the American people in adopting that compact, did not, could not presume that the Congress would omit to do, what they were thus bound to do. They could not presume, that the legislature would hesitate one moment, in establishing the organs necessary to carry into effect those wholesome, those important provisions.

The honorable member from Virginia has given us a history of the judicial system, and in the course of it has told us, that the judges of the Supreme Court knew, when they accepted their offices, the duties they were to perform and the salaries they were to receive. He thence infers, that if again called on to do the same duties, they have no right to complain. Agreed. But that is not the question between us. Admitting that they have made a hard bargain, and that we may hold them to a strict performance, is it wise to exact their compliance to the injury of our constituents? We are urged to go back to the old system; but let us first examine the effects of that system. The judges of the Supreme Court rode the circuits, and two of them with the assistance of a district judge held circuit Courts, and tried causes. *As a Supreme Court* they have in most cases only an appellate jurisdiction. In the first instance, therefore, they tried a cause sitting *as an Inferior Court*, and then on appeal tried it over again *as a Supreme Court*. Thus then, the appeal was from the sentence of the judges to the judges themselves. But say, that to avoid this impropriety, you will incapacitate the two judges, who sat on the circuit, from sitting in the Supreme Court, to review their own decrees. Strike them off, and suppose either the same or a contrary decision to have been made on another circuit, by two of their brethren in a similar case. For the same reason you strike *them* off, and then you have no Court left. Is this wise? Is it safe? You place yourself in a situation, where your citizens must be deprived of the advantage given to them of a Court of Appeals, or else run the

greatest risk, that the decision of the first court will carry with it that of the others.

The same honorable member has given us a history of the law passed the last session, which he wishes now to repeal. That history is accurate, at least in one important part of it. I believe, that all amendments were rejected, *pertinaciously* rejected; and I acknowledge, that I joined heartily in that rejection. It was for the clearest reason on earth. We all perfectly understood, that to *amend* the bill was to *destroy* it. That if ever it got back to the other House it would perish. Those, therefore, who approved of the general provisions of that bill were determined to adopt it. We sought the practicable good, and would not, in pursuit of unattainable perfection, sacrifice that good to the pride of opinion. We took the bill, therefore, with its imperfections, convinced that when it was once passed into a law it might be easily amended.

We are now told that this procedure was improper, nay, that it was indecent. That public opinion had declared itself against us. That a majority holding different opinions was already chosen to the other House; and that a similar majority was expected for that in which we sit. Mr President, are we then to understand, that opposition to the majority in the two Houses of Congress is improper, is indecent? If so, what are we to think of those gentlemen, who not only with proper and decent, but with laudable motives, (for such is their claim) so long, so perseveringly, so pertinaciously, opposed that voice of the people, which had so repeatedly, and for so many years, declared itself against them through the organ of their Representatives? Was this indecent in them? If not, how could it be improper for us to seize the only moment, which was left for the then majority to do what they deemed a necessary act? Let me again refer to those imperious demands of the Constitution, which called on us to establish Inferior Courts. Let me remind gentlemen of their assertion on this floor, that centuries might elapse before any judicial system could be established with general consent. And then let

me ask, being thus impressed with a sense of the duty, and the difficulty of performing that arduous task, was it not wise to seize the auspicious moment?

Among the many stigmas affixed to this law, we have been told that the President, in selecting men to fill the offices which it created, made vacancies and filled them from the floor of this House. And that, but for the influence of this circumstance, a majority in favor of it could not have been found. Let us examine this suggestion. It is grounded on the supposition of corrupt influence derived from a hope, founded on two remote and successive contingences. First, the vacancy might or might not exist; for it depended as well on the acceptance of another, as on the President's grant; and secondly, that the President might or might not fill it with a member of this House. Yet on this vague conjecture, on this unstable ground, it is inferred, that men in high confidence violated their duty. It is hard to determine the influence of self-interest on the heart of man. I shall not, therefore, make the attempt. In the present case it is possible, that the imputation may be just; but I hope not, I believe not. At any rate, gentlemen will agree with me, that the calculation is uncertain and the conjecture vague.

But let it now for argument's sake be admitted, saving always the reputation of honorable men, who are not here to defend themselves. Let it, I say, for argument's sake be admitted, that the gentlemen alluded to acted under the influence of improper motives. What then? Is a law, that has received the varied assent required by the Constitution, and is clothed with all the needful formalities, thereby invalidated? Can you impair its force by impeaching the motives of any member who voted for it? Does it follow, that a law is bad because all those, who concurred in it, cannot give good reasons for their votes? Is it not before us? Must we not judge of it by its intrinsic merit? Is it a fair argument, addressed to our understanding, to say we must repeal a law, even a good one, if the enacting of it may have been effected in any degree

by improper motives? Or is the judgment of this House so feeble, that it may not be trusted?

Gentlemen tell us, however, that the law is materially defective, nay, that it is unconstitutional. What follows? Gentlemen bid us repeal it. But is this just reasoning? If the law be only defective, why not amend? And if unconstitutional, why repeal? In this case no repeal can be necessary; the law is in itself void; it is a mere dead letter.

To show that it is unconstitutional, a particular clause is pointed out, and an inference is made, as in the case of goods, where, because there is one contraband article on board, the whole cargo is forfeited. Admit for a moment, that the part alluded to were unconstitutional, this would in no wise affect the remainder. That part would be void; or if you think proper, you can repeal that part.

Let us, however, examine the clause objected to on the ground of the Constitution. It is said, that by this law the *district* judges in Tennessee and Kentucky are removed from office, by making them *circuit judges*. And again, that you have by law appointed two new offices, those of *circuit judges*, and filled them by law, instead of pursuing the modes of appointment prescribed by the Constitution. To prove all this, the gentleman from Virginia did us the favor to read those parts of the law which he condemns; and if I can trust to my memory, it is clear from what he read, that the law does not remove these *district judges*, neither does it appoint them to the office of *circuit judges*. It does indeed put down the *district courts;* but is so far from destroying the offices of district judges, that it declares the persons filling those offices shall perform the duty of holding the *circuit courts*. And so far is it from appointing *circuit judges*, that it declares the *circuit courts* shall be held by the *district judges*.

But gentlemen contend, that to discontinue the district Courts was in effect to remove the district judges. This, Sir, is so far from being a just inference from the law, that the direct contrary follows as a necessary result; for it is on the

principle that these judges continue in office after their Courts are discontinued, that the new duty of holding other Courts is assigned to them. But gentlemen say, this doctrine militates with the principles we contend for. Surely not. It must be recollected, Sir, that we have repeatedly admitted the right of the Legislature to change, alter, modify, and amend the judiciary system, so as best to promote the interests of the people. We only contend, that you shall not exceed or contravene the authority by which you act. But, say gentlemen, you forced this new office on the district judges, and this is in effect a new appointment. I answer, that the question can only arise on the refusal of those judges to act. But is it unconstitutional to assign new duties to officers already existing? I fear, that if this construction be adopted, our labors will speedily end; for we shall be so shackled, that we cannot move. What is the practice? Do we not every day call upon particular officers to perform duties, not previously assigned to, nor required of them? And must the executive in every such case make a new appointment?

But, as a farther reason to restore, by repealing this law, the old system, an honorable member from North Carolina has told us, that the judges of the Supreme Court should attend in the States, to acquire a competent knowledge of local institutions, and for this purpose should continue to ride the circuits. I believe there is great use in sending young men to travel; it tends to enlarge their views, and give them more liberal ideas, than they might otherwise possess. Nay, if they reside long enough in foreign countries, they may become acquainted with the manners of the people, and acquire some knowledge of their civil institutions. But I am not quite convinced, that riding rapidly from one end of this country to the other is the best way to study law. I am inclined to believe, that knowledge may be more conveniently acquired in the closet, than upon the high road. It is, moreover, to be presumed, that the first magistrate would, in selecting persons to fill these offices, take the best characters from the different

parts of the country, who already possess the needful acquirements. But admitting that the President should not duly exercise in this respect his discretionary powers, and admitting that the ideas of the gentleman are correct, how wretched must be our condition! These, our judges, when called on to exercise their functions, would but begin to learn their trade, and that too at a period of life, when the intellectual powers with no great facility can acquire new ideas. We must, therefore, have a double set of judges. One set of apprentice judges to ride circuits and learn, the other set of master judges to hold Courts and decide controversies.

We are told, Sir, that the repeal asked for is important, in that it may establish a precedent; for that it is not merely a question on the propriety of disbanding a corps of sixteen rank and file, but that provisions may hereafter be made, not for sixteen, but for sixteen hundred, or sixteen thousand judges, and that it may become necessary to turn *them* to the right about. Mr President, I will not, I cannot presume, that any such provision will ever be made, and therefore I cannot conceive any such necessity; I will not suppose, for I cannot suppose, that any party or faction will ever do anything so wild, so extravagant. But I will ask, how does this strange supposition consist with the doctrine of gentlemen, that public opinion is a sufficient check on the legislature, and a sufficient safeguard to the people. Put the case to its consequences, and what becomes of the check? Will gentlemen say it is to be found in the force of this wise precedent? Is this to control succeeding rulers in their wild and mad career? But how? Is the creation of judicial officers the only thing committed to their discretion? Have they not, according to the doctrine contended for, our all at their disposition, with no other check than public opinion, which, according to the supposition, will not prevent them from committing the greatest follies and absurdities? Take then all the gentleman's ideas, and compare them together, it will result that here is an inestimable treasure put into the hands of drunkards, madmen, and fools.

But away with all these derogatory suppositions. The legislature may be trusted. Our government is a system of salutary checks. One legislative branch is a check on the other. And should the violence of party spirit bear both of them away, the President, an officer high in honor, high in the public confidence, charged with weighty concerns, responsible to his own reputation, and to the world, stands ready to arrest their too impetuous course. This is our system. It makes no mad appeal to every mob in the country. It appeals to the sober sense of men selected from their fellow citizens for their talents, for their virtue—of men in advanced life, and of matured judgment. It appeals to their understanding, to their integrity, to their honor, to their love of fame, to their sense of shame. If all these checks should prove insufficient, and alas! such is the condition of human nature, that I fear they will not always be sufficient, the Constitution has given us one more. It has given us an independent judiciary. We have been told, that the executive authority carries your laws into execution. But let us not be the dupes of sound. The executive magistrate commands indeed your fleets and armies; and duties, imposts, excises, and all other taxes are collected, and all expenditures are made by officers whom he has appointed. So far indeed he executes your laws. But these his acts apply not often to individual concerns. In those cases, so important to the peace and happiness of society, the execution of your laws is confided to your judges. And *therefore* are they rendered independent. Before, then, you violate that independence, pause. There are State sovereignties, as well as the sovereignties of general government. There are cases, too many cases, in which the interest of one is not considered as the interest of the other. Should these conflict, if the judiciary be gone, the question is no longer of law, but of force. This is a state of things, which no honest and wise man can view without horror.

Suppose, in the omnipotence of your legislative authority, you trench upon the rights of your fellow citizens, by passing an

unconstitutional law; if the judiciary department preserve its vigor, it will stop you short. Instead of a resort to arms, there will be a happier appeal to argument. Suppose a case still more impressive. The President is at the head of your armies. Let one of his generals, flushed with victory, and proud in command, presume to trample on the rights of your most insignificant citizen. Indignant of the wrong, he will demand the protection of your tribunals; and, safe in the shadow of their wings, will laugh his oppressor to scorn.

Having now, I believe, examined all the arguments adduced to show the expediency of this motion, and which, fairly sifted, reduce themselves at last to these two things,—restore the ancient system, and save the additional expense,—before I close what I have to say on this ground, I hope I shall be pardoned for saying one or two words about the expense. I hope, also, that notwithstanding the epithets which may be applied to my arithmetic, I shall be pardoned for using that which I learnt at school. It may have deceived me when it taught that two and two make four. But, though it should now be branded with opprobrious terms, I must still believe, that two and two do still make four. Gentlemen of newer theories, and of higher attainments, while they smile at my inferiority, must bear with my infirmities and take me as I am.

In all this great system of saving, in all this ostentatious economy, this rage of reform, how happens it that the eagle eye has not yet been turned to the mint? That no one piercing glance has been able to behold the expenditures of that department? I am far from wishing to overturn it. Though it be not of great necessity, nor even of substantial importance; though it be but a splendid trapping of your government; yet, as it may, by impressing on your current coin the emblems of your sovereignty, have some tendency to encourage a national spirit, and to foster the national pride, I am willing to contribute my share to its support. Yes, Sir, I would foster the national pride. I cannot indeed approve of national vanity, nor feed it with vile adulation. But I would gladly cherish the lofty senti-

ment of national pride. I would wish my countrymen to feel like Romans, to be as proud as Englishmen, and, going still further, I would wish them to veil their pride in the well bred modesty of French politeness. But, can this establishment, the mere decoration of your political edifice, can it be compared with the massy columns on which rest your peace and safety? Shall the striking of a few halfpence be put into a parallel with the distribution of justice? I find, Sir, from the estimates on your table, that the salaries of the officers of your mint amount to 10,600 dollars, and that the expenses are estimated at 10,900; making 21,500 dollars.

I find, that the actual expenditure of the last year, exclusive of salaries, amounted to 25,154 44

Add the salaries, 10,600

We have a total of, $35,754 44

A sum which exceeds the salary of these sixteen judges.

I find, further, that during the last year they have coined cents and half cents to the amount of 10,478 dollars and 29 cents. Thus, their copper coinage falls a little short of what it costs us for their salaries. We have, however, from this establishment about a million of cents, one to each family in America. A little emblematic medal, to be hung over their chimney pieces; and this is all their compensation for all that expense. Yet, not a word has been said about the *mint;* while the judges, whose services are so much greater, and of so much more importance to the community, are to be struck off at a blow, in order to save an expense, which, compared with the object, is pitiful. What conclusion, then, are we to draw from this predilection?

I will not pretend to assign to gentlemen the motives, by which they may be influenced; but if I should permit myself to make the inquiry, the style of many observations, and more especially the manner, the warmth, the irritability, which have been exhibited on this occasion, would lead to a solution of the problem. I had the honor, Sir, when I addressed you

the other day to observe, that I believed the universe could not afford a spectacle more sublime, than the view of a powerful State kneeling at the altar of justice, and sacrificing there her passion and her pride; that I once fostered the hope of beholding that spectacle of magnanimity in America. And now, what a world of figures has the gentleman from Virginia formed on his misapprehension of that remark. I never expressed anything like exultation at the idea of a State, ignominiously dragged in triumph at the heels of your judges. But, permit me to say, the gentleman's exquisite sensibility on that subject, his alarm and apprehension, all show his strong attachment to State authority. Far be it from me, however, to charge the gentleman with improper motives. I know that his emotions arise from one of those imperfections in our nature, which we cannot remedy. They are excited by causes, which have naturally made him hostile to this Constitution, though his duty compels him, reluctantly, to support it. I hope, however, that those gentlemen, who entertain different sentiments, and who are less irritable on the score of State dignity, will think it essential to preserve a Constitution, without which the independent existence of the States themselves will be but of short duration.

This, Sir, leads me to the second object I had proposed. I shall, therefore, pray your indulgence while I consider how far this measure is *constitutional.*

I have not been able to discover the expediency, but will now, for argument's sake, admit it; and here, I cannot but express my deep regret for the situation of an honorable member from North Carolina. Tied fast as he is, by his instructions, arguments however forcible can never be effectual. I ought, therefore, to wish for his sake, that his mind may not be convinced by anything I shall say; for hard indeed would be his condition, to be bound by the contrariant obligations of an order and an oath. I cannot, however but express my profound respect for the talents of those who gave him his instructions, and who, sitting at a distance, with-

out hearing the arguments, could better understand the subject than their Senator on this floor after full discussion.

The honorable member from Virginia has repeated the distinction, before taken, between the supreme and the inferior tribunals; he has insisted on the distinction between the words *shall* and *may*; has inferred from that distinction, that the judges of the Inferior Courts are subjects of legislative discretion; and has contended, that the word *may* includes all power respecting the subject to which it is applied; consequently, to raise up and to put down, to create and to destroy. I must entreat your patience, Sir, while I go more into this subject than I ever supposed would be necessary. By the article so often quoted it is declared, 'That the judicial power of the United States *shall* be vested in one Supreme Court, and in such Inferior Courts, as the Congress *may* from time to time establish.' I beg leave to recall your attention to what I have already said of these Inferior Courts. *That the original jurisdiction of various subjects being given exclusively to them, it became the bounden duty of Congress to establish such Courts.* I will not repeat the argument already used on that subject. But I will ask those who urge the distinction between the Supreme Court and the inferior tribunals, whether a law was not previously necessary before the Supreme Court could be organized? They reply, that the Constitution says there *shall* be a Supreme Court, and, therefore, the Congress are commanded to organize it, while the rest is left to their discretion.

This, Sir, is not the fact. The Constitution says the judicial power shall be vested in *one* Supreme *Court*, and in Inferior *Courts*. The legislature can, therefore, only organize *one* Supreme Court, but they may establish as many Inferior Courts as they shall think proper. The designation made of them by the Constitution is, such Inferior Courts as the Congress may, from time to time, ordain and *establish*. But why, say gentlemen, fix precisely *one* Supreme Court, and leave the rest to legislative discretion? The answer is simple. It results from the nature of things, from the existent and probable state of our

country. There was no difficulty in deciding that *one*, and *only one* Supreme Court would be proper or necessary, to which should lie appeals from inferior tribunals. Not so as to these. The United States were advancing in rapid progression. Their population, of three millions, was soon to become five, then ten, afterwards twenty millions. This was well known, as far as the future can become an object of human comprehension. In this increase of numbers, with a still greater increase of wealth, with the extension of our commerce, and the progress of the arts, it was evident, that, although a great many tribunals would become necessary, it was impossible to determine either the precise number or the most convenient form. The Convention did not pretend to this prescience; but had they possessed it, would it have been proper to have established *then* all the tribunals necessary for all future times? Would it have been wise to have planted Courts among the Chickasaws, the Chocktaws, the Cherokees, the Tuscaroras, and God knows how many more, because at some future day, the regions over which they roam might be cultivated by polished men? Was it not proper, wise, necessary, to leave in the discretion of Congress the number and the kind of Courts, which they might find it proper to *establish*, for the purpose designated by the Constitution.

This simple statement of facts, facts of public notoriety, is alone a sufficient comment on and explication of the word, on which gentlemen have so much relied. The Convention in framing, the people in adopting this compact, say, the judicial power *shall* extend to many cases, the original cognizance whereof shall be by the Inferior Courts; but it is neither necessary, nor even possible *now* to determine their number or their form; *that* essential power, therefore, shall vest in such Inferior Courts, as the Congress may, from time to time, in the progression of time, and according to the indication of circumstances, *establish*. Not *provide* or *determine*, but *establish*. Not a mere temporary provision, but an *establishment*. If, after this, it had said in general terms, that *judges* should hold

their offices during good behavior, could a doubt have existed on the interpretation of this act, under all its attending circumstances, that the judges of the Inferior Courts were intended, as well as those of the Supreme Court? But did the framers of the Constitution stop there? Is there then nothing more? Did they risk on these grammatical niceties the fate of America? Did they rest here the most important branch of our government? Little important, indeed, as to foreign danger; but infinitely valuable to our domestic peace, and to personal protection against the oppression of our rulers. No. Lest a doubt should be raised, they have carefully connected the judges of both Courts in the same sentence; they have said, 'the judges *both of the Supreme and Inferior Courts*,' thus coupling them inseparably together. You may cut the bands, but you can never untie them. With salutary caution, they devised this clause, to arrest the overbearing temper, which they knew belonged to legislative bodies. They do not say the judges simply, but the judges of the *Supreme* and *Inferior* Courts, shall hold their offices during good behavior. They say, therefore, to the legislature, you may judge of the propriety, the utility, the necessity, of organizing these Courts; but when established you have done your duty. Anticipating the course of passion in future times, they say to the legislature, you shall not disgrace yourselves by exhibiting the indecent spectacle of judges established by one legislature, removed by another. We will save *you* also from yourselves. We say, these judges *shall* hold their offices; and surely, Sir, to pretend that they can hold their office, after the office is destroyed, is contemptible.

The framers of this Constitution had seen much, read much, and deeply reflected. They knew by experience the violence of popular bodies; and, let it be remembered, that since that day many of the States, taught by experience, have found it necessary to change their form of government to avoid the effects of that violence. The Convention contemplated the very act you now attempt. They knew also the jealousy and the power of the States; and they establish-

ed, for *your* and for *their* protection, this most important department. I beg gentlemen to hear and to remember what I say. It is this department alone, and it is the independence alone of this department, which can save you from civil war. Yes, Sir, adopt the language of gentlemen; say, with them, by the act to which you are urged, 'If we cannot remove the judges, we can destroy them.' Establish thus the dependence of the judiciary department. Who will resort to them for protection against you? Who will confide in, who will be bound by their decrees? Are we then to resort to the ultimate reason of kings? Are our arguments to fly from the mouths of our cannon?

We are told that we may violate our Constitution, because similar Constitutions have been violated elsewhere. Two States have been cited to that effect, Maryland and Virginia. The honorable gentleman from Virginia tells us, that when this happened in the the State he belongs to, no complaint was made by the judges. I will not inquire into that fact, although I have the protest of the judges now laying before me; judges, eminent for their talents, renowned for their learning, respectable for their virtue. I will not inquire what Constitutions have been violated. I will not ask either when or where this dangerous practice began, or has been followed. I will admit the fact. What does it prove? Does it prove that, because they violated, we also may violate. Does it not prove directly the contrary? Is it not the strongest reason on earth for preserving the independence of our tribunals? If it be true that they have with strong hands seized *their* Courts, and bent them to their will, ought we not to give suitors a fair chance for justice in *our* Courts, or must the suffering citizen be deprived of all protection?

The gentleman from Virginia has called our attention to certain cases, which he considers as forming necessary exceptions to the principles for which we contend. Permit me to say, that necessity is a hard law, and frequently proves too much; and, let the gentleman recollect, that arguments which prove too much prove nothing.

He has instanced a case where it may be proper to appoint commissioners, for a limited time, to settle some particular description of controversies. Undoubtedly it is always in the power of Congress to form a board of commissioners for particular purposes. He asks, are *these* Inferior Courts, and must *they* also exist forever? I answer, that the nature of their office must depend upon the law by which they are created; if called to exercise the judicial functions, designated by the Constitution, they must have an existence conformable to its injunctions.

Again, he has instanced the Mississippi territory, claimed by, and which may be surrendered to, the State of Georgia, and a part of the Union, which may be conquered by a foreign enemy. And he asks, triumphantly, are our Inferior Courts to remain after our jurisdiction is gone? The case rests upon a principle so simple, that I am surprised the honerable member did not perceive the answer in the very moment when he made the objection. Is it by our act that a country is taken from us by a foreign enemy? Is it by our consent that our jurisdiction is lost? I had the honor, in speaking the other day, expressly, and for the most obvious reasons, to except the case of conquest. As well might we contend for the government of a town swallowed up by an earthquake.

General MASON explained; he had supposed the case of territory conquered, and afterwards ceded to the conqueror, or some other territory ceded in lieu of it.

Mr MORRIS. The case is precisely the same. Until after the peace, the conquest is not complete. Every body knows, that until the cession by treaty, the original owner has the postliminary right to a territory taken from him. Beyond all question, where Congress are compelled to cede the territory, the judges can no longer exist, unless the new sovereign confer the office. Over such a territory, the authority of the Constitution ceases, and of course the rights which it confers.

It is said, the judicial institution is intended for the benefit

of the people, and not of the judge; and it is complained of, that in speaking of the office we say it is *his* office. Undoubtedly the institution is for the benefit of the people. But the question remains, how will it be rendered most beneficial? Is it by making the judge independent, by making it *his* office; or is it by placing him in a state of abject dependence, so that the office shall be his today, and belong to another tomorrow. Let the gentleman hear the words of the Constitution; it speaks of *their* offices, consequently, as applied to a single judge, of *his* office, to be exercised by him for the benefit of the people of America, to which exercise his *independence* is as necessary as his *office*.

The gentleman from Virginia has, on this occasion, likened the judge to a bridge, and to various other objects; but I hope for his pardon, if, while I admire the lofty flights of his eloquence, I abstain from noticing observations, which I conceive to be utterly irrelevant.

The same honorable member has not only given us his history of the Supreme Court, but has told us of the manner in which they do business, and expressed his fears, that having little else to do, they will do mischief. We are not competent, Sir, to examine, nor ought we to prejudge their conduct. I am persuaded that they will do their duty, and presume they will have the decency to believe that we do our duty. In so far as they may be busied with the great mischief of checking the legislative or executive departments, in any wanton invasion of our rights, I shall rejoice in that mischief. I hope, indeed, they will not be so busied, because I hope we shall give them no cause. But I also hope, they will keep an eagle eye upon us, lest we should. It was partly for this purpose that they were established, and, I trust, that when properly called on they will dare to act. I know this doctrine is unpleasant. I know it is more popular to appeal to public opinion, that equivocal transient being, which exists nowhere and everywhere. But if ever the occasion calls for it, I trust, that the Supreme Court will not neglect doing the great mischief of sav-

ing this Constitution, which can be done much better by their deliberations, than by resorting to what are called revolutionary measures.

The honorable member from North Carolina, sore pressed by the delicate situation in which he is placed, thinks he has discovered a new argument in favor of the vote, which he is instructed to give. As far as I can enter into his ideas, and trace their progress, he seems to have assumed the position which was to be proved, and then searched through the Constitution, not to discover whether the legislature have the right contended for, but whether, admitting them to possess it, there may not be something which might not comport with that idea. I shall state the honorable member's argument, as I understand it, and if mistaken pray to be corrected. He read to us that clause, which relates to impeachment, and comparing it with that which fixes the tenure of judicial office has observed, that this clause must relate solely to a removal by the executive power, whose right to remove, though not indeed anywhere mentioned in the Constitution, has been admitted in a practice founded on legislative construction.

That, as the tenure of the office is during *good behavior*, and as the clause respecting impeachment does not specify *misbehavior*, there is evidently a cause of removal, which cannot be reached by impeachment, and of course (the executive not being permitted to remove) the right must necessarily devolve on the legislature. Is this the honorable member's argument? If it be, the reply is very simple. *Misbehavior* is not a term known in our law. The idea is expressed by the word *misdemeanor*, which word is in the clause quoted respecting impeachments. Taking, therefore, the two together, and speaking plain old English, the Constitution says; 'The judges shall hold their offices so long as they shall *demean* themselves *well*; but if they shall *misdemean*, if they shall on impeachment be convicted of *misdemeanor*, they shall be removed.' Thus, Sir, the honorable member will find that the one clause is just as broad as the other. He will see, there-

fore, that the legislature can assume no right from the deficiency of either, and will find that the clause which he relied on goes, if rightly understood, to a confirmation of our doctrine.

Is there a member of this House, who can lay his hand on his heart and say, that consistently with the plain words of our Constitution we have a right to repeal this law? I believe not. And if we undertake to construe this Constitution to our purposes and say, that public opinion is to be our judge, there is an end to all Constitutions. To what will not this dangerous doctrine lead? Should it today be the popular wish to destroy the first magistrate, you can destroy him. And should he tomorrow be able to conciliate to him the popular will, and lead the people to wish for your destruction, it is easily effected. Adopt this principle, and the whim of the moment will not only be the law, but the Constitution of our country.

The gentleman from Virginia has mentioned a great nation brought to the feet of one of her servants. But why is she in that situation? Is it not because popular opinion was called on to decide everything, until those who wore bayonets decided for all the rest. Our situation is peculiar. At present our national compact can prevent a State from acting hostilely towards the general interest. But let this compact be destroyed, and each State becomes instantaneously vested with absolute sovereignty. Is there no instance of a similar situation to be found in history? Look at the States of Greece. They were once in a condition not unlike to that in which we should then stand. They treated the recommendations of their Amphictyonic Council, which was more a meeting of Ambassadors than a legislative assembly, as we did the resolutions of the Old Congress. Are we wise? So were they. Are we valiant? They also were brave. Have we one common language, and are we united under one head? In this also there is a strong resemblance. But by their divisions they became at first victims of the ambition of Philip, and were at length swallowed up in the Roman Empire. Are we to form

an exception to the general principles of human nature, and to all the examples of history? And are the maxims of experience to become false, when applied to our fate?

Some, indeed, flatter themselves, that our destiny will be like that of Rome. Such indeed it might be, if we had the same wise but vile Aristocracy, under whose guidance they became the masters of the world. But we have not that strong Aristocratic arm, which can seize a wretched citizen, scourged almost to death by a remorseless creditor, turn him into the ranks, and bid him as a soldier bear our eagle in triumph round the globe. I hope to God we shall never have such an abominable institution. But what, I ask, will be the situation of these States, organized as they now are, if by the dissolution of our national compact they be left to themselves? What is the probable result? We shall either be victims of foreign intrigue, and, split into factions, fall under the domination of a foreign power; or else, after the misery and torment of civil war, become the subjects of a usurping military despot. What but this compact, what but this specific part of it, can save us from ruin? The judicial power, that fortress of the Constitution, is now to be overturned. Yes, with honest Ajax, I would not only throw a shield before it, I would build around it a wall of brass. But I am too weak to defend the rampart against the host of assailants. I must call to my assistance their good sense, their patriotism, and their virtue.

Do not, gentlemen, suffer the rage of passion to drive reason from her seat. If this law be indeed bad, let us join to remedy the defects. Has it been passed in a manner, which wounded your pride, or roused your resentment? Have, I conjure you, the magnanimity to pardon that offence. I intreat, I implore you, to sacrifice those angry passions to the interests of our country. Pour out this pride of opinion on the altar of patriotism. Let it be an expiatory libation for the weal of America. Do not, for God's sake do not suffer that pride to plunge us all into the abyss of ruin. Indeed,

indeed, it will be but of little, very little avail, whether one opinion or the other be right or wrong; it will heal no wounds, it will pay no debts, it will rebuild no ravaged towns. Do not rely on that popular will, which has brought us frail beings into political existence? That opinion is but a changeable thing. It will soon change. This very measure will change it. You will be deceived. Do not, I beseech you, in reliance on a foundation so frail, commit the dignity, the harmony, the existence of our nation to the wild wind. Trust not your treasure to the waves. Throw not your compass and your charts into the ocean. Do not believe that its billows will waft you into port. Indeed, indeed, you will be deceived. Cast not away this only anchor of our safety. I have seen its progress. I know the difficulties through which it was obtained. I stand in the presence of Almighty God and of the world. I declare to you, that if you lose this charter, never, no never, will you get another. We are now perhaps arrived at the parting point. Here, even here, we stand on the brink of fate. Pause, then—Pause. For Heaven's sake—Pause.

SPEECH

ON THE

FREE NAVIGATION OF THE MISSISSIPPI RIVER, AND THE RIGHT OF DEPOSIT WITHIN THE SPANISH TERRITORIES.

THIS speech was delivered in the Senate of the United States, on the 24th of February, 1803. It was occasioned by the RESOLUTIONS introduced by Mr Ross of Pennsylvania, proclaiming the right of the United States to the free navigation of the Mississippi River, and to a place of deposit in the Island of New Orleans for produce and merchandize, and authorizing the President to take immediate possession of some place or places for that object. Mr Morris was in favor of the Resolutions.

MR PRESIDENT,

I rise with reluctance on the present occasion. The lateness of the hour forbids me to hope for your patient attention. The subject is of great importance, as it relates to other countries, and still greater to our own; yet we must decide on grounds uncertain, because they depend on circumstances not yet arrived. And when we attempt to penetrate into futurity, after exerting the utmost powers of reason, aided by all the lights which experience could acquire, our clearest conceptions are involved in doubt. A thousand things may happen, which it is impossible to conjecture, and which will influence the course of events. The wise Governor of all things has hidden the future from the ken of our feeble un-

derstanding. In committing ourselves, therefore, to the examination of what may hereafter arrive, we hazard reputation on contingences we cannot command. And when events shall be past, we shall be judged by them, and not by the reasons which we may now advance.

There are many subjects which it is not easy to understand, but it is always easy to misrepresent, and when arguments cannot be controverted, it is not difficult to calumniate motives. That, which cannot be confuted, may be misstated. The purest intentions may be blackened by malice, and envy will ever foster the foulest imputations. This calumny is among the sore evils of our country. It began with our earliest success in 1778, and has gone on with accelerated velocity and increasing force, to the present hour. It is no longer to be checked, nor will it terminate but in that sweep of general destruction, to which it tends with a step as sure as time, and fatal as death. I know that what I utter will be misunderstood, misrepresented, deformed, and distorted; but we must do our duty. This I believe is the last scene of my public life; and it shall, like those which preceded, be performed with candor and truth. Yes, my noble friends, [addressing himself to the Federal Senators near him] we shall soon part to meet no more. But, however separated, and wherever dispersed, we know that we are united by just principle and true sentiment. A sentiment, my country! ever devoted to you, which will expire only with expiring life, and beat in the last pulsation of our hearts.

Mr President, my object is peace. I could assign many reasons to show that this declaration is sincere. But can it be necessary to give this Senate any other assurance than my word? Notwithstanding the acerbity of temper, which results from party strife, gentlemen will believe me on my word. I will not pretend, like my honorable colleague (Mr Clinton) to describe to you the waste, the ravages, and the horrors of war. I have not the same harmonious periods, nor the same musical tones; neither shall I boast of christian charity, nor

attempt to display that ingenuous glow of benevolence so decorous to the cheek of youth, which gave a vivid tint to every sentence he uttered, and was, if possible, as impressive even as his eloquence. But though we possess not the same pomp of words, our hearts are not insensible to the woes of humanity. We can feel for the misery of plundered towns, the conflagration of defenceless villages, and the devastation of cultured fields. Turning from these features of general distress, we can enter the abodes of private affliction, and behold the widow weeping as she traces, in the pledges of connubial affection, the resemblance of him whom she has lost forever. We see the aged matron bending over the ashes of her son. He was her darling, for he was generous and brave, and, therefore, his spirit led him to the field in defence of his country. We can observe another oppressed with unutterable anguish. Condemned to conceal her affection, forced to hide that passion, which is at once the torment and delight of life, she learns that those eyes which beamed with sentiment are closed in death, and his lip, the ruby harbinger of joy, lies pale and cold, the miserable appendage of a mangled corse. Hard, hard indeed must be that heart, which can be insensible to scenes like these, and bold the man, who dares present to the Almighty Father a conscience crimsoned with the blood of his children.

Yes, Sir, we wish for peace; but how is that blessing to be preserved? I shall repeat here a sentiment I have often had occasion to express. In my opinion, there is nothing worth fighting for but national honor; for in the national honor is involved the national independence. I know that a State may find itself in such unpropitious circumstances, that prudence may force a wise government to conceal the sense of indignity. But the insult should be engraven on tablets of brass with a pencil of steel. And when that time and change, which happen to all, shall bring forward the favorable moment, then let the avenging arm strike home. It is by avowing and maintaining this stern principle of honor, that peace can be pre-

served. But let it not be supposed that anything I say has the slightest allusion to the injuries sustained from France, while suffering in the pangs of her revolution. As soon should I upbraid a sick man for what he might have done in the paroxysms of disease. Nor is this a new sentiment; it was felt and avowed at the time when these wrongs were heaped on us, and I appeal for the proof to the files of your Secretary of State. The destinies of France were then in the hands of monsters. By the decree of Heaven she was broken on the wheel, in the face of the world, to warn mankind of her folly and madness. But these scenes have passed away. On the throne of the Bourbons is now seated the first of the Gallic Cæsars. At the head of that gallant nation is the great, the greatest man of the present age. It becomes us well to consider his situation. The things he has achieved compel him to the achievement of things more great. In his vast career we must soon become objects to command attention. We too in our turn must contend or submit. By submission we may indeed have peace alike precarious and ignominious. But is this the peace, which we ought to seek? Will this satisfy the just expectation of our country? No. Let us have peace permanent, secure, and, if I may use the term, independent. Peace which depends not on the pity of others, but on our own force. Let us have the only peace worth having, a peace consistent with honor.

A gentleman near me (Mr Jackson) has told us the anecdote of an old courtier, who said that the interest of his nation was the honor of his nation. I was surprised to hear that idea from that gentleman. But it was not his own. Such is that gentleman's high sense of his personal honor, that no interest would induce him to sacrifice it. He would not permit the proudest prince on earth to blot or soil it. Millions would not purchase his honor; and will he feel less for the honor of his country? No, he will defend it with his best blood. He will feel with me, that our national honor is the best security for our peace and our prosperity. That it involves at once our

wealth and our power. And in this view of the subject I must contradict a sentiment, which fell from my honorable colleague (Mr Clinton). He tells us, that the principle of this country is peace and commerce. Sir, the avowal of such principle will leave us neither commerce nor peace. It invites others to prey on that commerce, which we will not protect, and share the wealth we dare not defend. But let it be known, that you stand ready to sacrifice the last man and the last shilling in defence of your national honor, and those who would have assailed will beware of you.

Before I go into a minute consideration of this subject, I will notice what the gentlemen opposed to me have said on the law of nations. But I must observe that, in a conjuncture like the present, there is more sound sense and more sound policy in the firm and manly sentiments, which warm the hearts of my friends from Delaware, than in all the volumes upon all the shelves of the civilians. Let us however attend to the results of those logical deductions, which have been made by writers on the law of nations. The honorable member from Kentucky (Mr Breckenridge) has told us, that sovereigns ought to show a sincere desire for peace, and should not hastily take offence, because it may be that the offensive act was the result of mistake. My honorable colleague has told us, that among the justifiable causes of war are the deliberate invasions of right, and the necessity of maintaining the balance of power. He has told us further, that attempts should always be made to obtain redress by treaty, unless it be evident that redress cannot be so obtained. The honorable member from Georgia near me informs us, that the thing we would obtain by war should be important, and the success probable, and that war should be avoided until it be inevitable. The honorable member from Maryland (Mr Wright) has explained to us the case, cited by the gentleman from Kentucky, as being that of a wrong done by a private citizen. Under the weight of all this authority, and concurring with gentlemen in these their positions, I shall take leave to examine the great ques-

tion we are called on to decide. I shall moreover fully and entirely agree with the honorable member near me in another point. He has, with the usual rapidity of his mind, seized the whole object. He tells us, and he tells us truly, that the Island of Orleans and the two Floridas are essential to this country. They are joined, says he, by God, and sooner or later we *must* and *will* have them. In this clear and energetic statement I fully agree; and the greater part of what I have to say will be but a commentary on the doctrines they have advanced, an elucidation of their positions, and the confirmation of that strong conclusion.

In order to bring this extensive subject within such bounds, as may enable us to take a distinct view of its several parts. I shall consider first, the existing state of things; secondly, the consequence to the United States of the possession of that country by France; thirdly, the consequence to other nations; fourthly, the importance of it to France herself; fifthly, its importance to the United States, if possessed by them; and having thus examined the thing itself in its various relations, the way will be open to consider, sixthly, the effect of negotiation; and then, seventhly, the consequences to be expected from taking immediate possession.

Before I consider the existing state of things, let me notice what gentlemen have said in relation to it. The honorable member from Kentucky has told us, that indeed there is a right arrested, but whether by authority or not is equivocal. He says the representative of Spain verily believes it to be an unauthorized act. My honorable colleague informs us there has been a clashing between the Governor and the Intendant. He says we are told by the Spanish Minister it was unauthorized. Notwithstanding these assurances, however, my honorable colleague has, it seems, some doubts. But nevertheless he presumes innocence; for my colleague is charitable. The honorable member from Maryland goes farther; he tells us the Minister of Spain says the Intendant had no such authority; and the Minister of France, too, says there is no such author-

ity. Sir, I have all possible respect for those gentlemen, and every proper confidence in what they may think proper to communicate. I believe the Spanish Minister has the best imaginable disposition to preserve peace; it being indeed the express purpose for which he was sent among us. I believe it to be an object near to his heart, and which has a strong hold upon his affections. I respect the warmth and benevolence of his feelings, but he must pardon me that I am deficient in courtly compliment. I am a republican, and cannot commit the interests of my country to the goodness of his heart.

What is the state of things? There has been a cession of the island of New Orleans and of Louisiana to France. Whether the Floridas have also been ceded is not yet certain. It has been said, as from authority, and I think it probable. Now, Sir, let us note the time and the manner of this cession. It was at or immediately after the treaty of Luneville, at the first moment when France could take up a distant object of attention. But had Spain a right to make this cession without our consent? Gentlemen have taken it for granted that she had. But I deny the position. No nation has a right to give to another a dangerous neighbor without her consent. This is not like the case of private citizens, for there when a man is injured he can resort to the tribunals for redress, and yet, even there, to dispose of property to one who is a bad neighbor is always considered as an act of unkindness. But as between nations, who can redress themselves only by war, such transfer is in itself an aggression. He who renders me insecure, he who hazards my peace, and exposes me to imminent danger, commits an act of hostility against me and gives me the rights consequent on that act. Suppose Great Britain should give to Algiers one of the Bahamas, and contribute thereby to establish a nest of pirates near your coasts, would you not consider it as an aggression? Suppose, during the late war, you had conveyed to France a tract of land along Hudson's River, and the northern route by the Lakes into Canada, would not Britain have considered and

treated it as an act of hostility? It is among the first limitations to the exercise of the rights of property, that we must so use our own as not to injure another; and it is under the immediate sense of this restriction, that nations are bound to act towards each other.

But it is not this transfer alone. There are circumstances both in the time and in the manner of it. which deserve attention. A gentleman from Maryland (Mr Wright) has told you, that all treaties ought to be published and proclaimed for the information of other nations. I ask, was this a public treaty? No. Was official notice of it given to the government of this country? Was it announced to the President of the United States, in the usual forms of civility between nations, who duly respect each other? It was not. Let gentlemen contradict me if they can. They will say perhaps that it was the omission only of a vain and idle ceremony. Ignorance may indeed pretend, that such communication is an empty compliment, which, established without use, may be omitted without offence. But this is not so. If these be ceremonies they are not vain, but of serious import, and are founded on strong reason. He, who means me well, acts without disguise. Had this transaction been intended fairly, it would have been told frankly. But it was secret because it was hostile. The First Consul, in the moment of terminating his differences with you, sought the means of future influence and control. He found and secured a pivot for that immense lever, by which with potent arm he means to subvert your civil and political institutions. Thus, the beginning was made in deep hostility. Conceived in such principles, it presaged no good. Its bodings were evil, and evil have been its fruits. We heard of it during the last session of Congress, but to this hour we have not heard of any formal and regular communication from those by whom it was made. Has the King of Spain, has the First Consul of France, no means of making such a communication to the President of the United States? Yes, Sir, we have a Minis-

ter in Spain; we have a Minister in France. Nothing was easier, and yet nothing has been done. Our first magistrate has been treated with contempt, and through him our country has been insulted.

With that meek and peaceful spirit now so strongly recommended, we submitted to this insult, and what followed? That which might have been expected; a violation of our treaty. An open and direct violation by a public officer of the Spanish government. This is not the case cited from one of the books. It is not a wrong done by a private citizen, which might for that reason be of doubtful nature. No. It is by a public officer. That officer in whose particular department it was to cause the faithful observance of the treaty which he has violated. We are told indeed that there was a clashing of opinion between the Governor and the Intendant. But what have we to do with their domestic broils? The injury is done, we feel it. Let the fault be whose it may, the suffering is ours. But, say gentlemen, the Spanish Minister has interfered to correct this irregular procedure. Sir, if the Intendant was amenable to the Minister, why did he not inform him of the step he was about to take, that the President of the United States might seasonably have been apprised of his intention, and given the proper notice to our fellow citizens? Why has he first learnt this offensive act from those who suffer by it? Why is he thus held up to contempt and derision? If the Intendant is to be controlled by the Minister, would he have taken a step so important without his advice? Common sense will say no. But the bitter cup of humiliation was not yet full. Smarting under the lash of the Intendant, the Minister soothes you with kind assurances, and sends advice boats to announce your forbearance. But while they are on their way, new injury and new insult are added. The Intendant, as if determined to try the extent of your meekness, forbids to your citizens all communication with those, who inhabit the shores of the Mississippi. Though they should be starving, the Spaniard is made criminal, who

should give them food. Fortunately the waters of the river are potable, or else we should be precluded from the common benefits of nature, the common bounty of Heaven.

What then, I ask, is the amount of this savage conduct? Sir, it is war. Open and direct war. And yet gentlemen recommend peace, and forbid us to take up the gauntlet of defiance. Will gentlemen sit here and shut their eyes to the state and condition of their country? I shall not reply to what has been said respecting depredations on commerce, but confine myself to objects of which there can be no shadow of doubt. Here is a vast country given away, and not without danger to us. Has a nation a right to put these States in a dangerous situation? No, Sir. And yet it has been done, not only without our consent previous to the grant, but without observing the common forms of civility after it was made. Is that wonderful man, who presides over the destinies of France, ignorant or unmindful of these forms? See what was done the other day. He directed his Minister to communicate to the Elector of Bavaria his intended movements in Switzerland and their object. He knew the Elector had a right to expect that information, although the greater part of Swabia lies between his dominions and Switzerland. And this right is founded on the broad principles already mentioned.

As to the depredations on our commerce, they are numerous and of great importance, but my honorable colleague has told us our merchants are in a fair way of getting redress. I own, Sir, I am surprised at this information, which is, I presume, a State secret communicated from the executive department. My honorable colleague, who is the pattern of discretion, who was the monitor, and threatened to be the castigator of those, who from treachery or weakness might betray or divulge the secrets of the Senate, cannot possibly allude to anything on our files. He has therefore received this information from some other quarter, and I feel myself much obliged by his kind communication. But he must pardon

me, Sir, that until it come forward in some body, shape, or condition, which I can grasp, I am compelled to withhold my faith.

Having thus examined the existent state of things, I proceed to consider the consequence to the United States resulting from the possession of that country by France. To this effect I shall suppose the Floridas to be included in her newly acquired dominion, and shall state what I conceive to be the conduct which she will pursue. She will I presume consider herself as not bound by our treaty with Spain. Declaring this to the inhabitants of the western country, and repelling the claim of right, she will, as matter of favor, give them unlimited freedom of trade to and from New Orleans. At that place she will eventually raise a considerable duty on exports to pay the expense of her garrisons and of the civil administration. But to compensate this, she will probably give an exclusive privilege of commerce to her colonies, and obtain from Spain and Holland similar privileges. Under these circumstances let us examine the general and particular consequences to this our country.

The general consequences are those, which affect our commerce, our revenue, our defence, and what is of more importance even than these, our Union. Your commerce will suffer, because you will no longer hold the means of supplying the West India Islands subject to your single control, and because all the export from New Orleans, being, of course, in French bottoms, your navigation will be proportionately diminished. Your revenue will suffer as much as your commerce. The extensive boundary of more than two thousand miles will be stocked with goods for the purpose of contraband trade. The inhabitants will naturally take their supplies in that way. You must therefore multiply your revenue officers and their assistants, and while your receipt diminishes, the expense of collection will be increased. As to what regards your defence, it is evident that the decrease of your navigation and revenue must narrow your means of defence.

You cannot provide the same force either by land or by sea; but the evil does not stop there. With this country in your possession you have means of defence more ample, more important, more easy, than any nation on earth. In a short time, all the West India Islands, fed from your granaries, must depend on your will. And in consequence, all the powers of Europe, who have colonies there, must court your friendship. Those rich sources of commercial importance will be as it were in your hands. They will be pledges for the amity of others in seas and dominions far remote. It is a defence, which though it costs you nothing, is superior to fleets and armies.

But let the resources of America be divided, which must happen when the French are masters of New Orleans, and all this power and influence are gone. One half of your resources will be in their hands, and they will laugh at your feeble attempts with the other half. It is the interest of this country that the possessions of European powers in the West Indies should be secured to them. And in this view of the subject, it is important that the Island of St Domingo should be subjected by France. It would therefore have been wise to aid in that subjugation. There is indeed a special reason for it beyond the considerations of exterior policy. That event will give to your slaves the conviction, that it is impossible for them to become free. Men in their unhappy condition must be impelled by fear and discouraged by despair. Yes. The impulsion of fear must be strengthened by the hand of despair. Consider moreover your condition in the wars, which are most likely to happen. These must be either with France or England. If with France, your interior is ruined; if with England, the commerce of the Atlantic States will be distressed, and that of the Western country too, though not perhaps in so great a degree. Thus let the war be with whichsoever of those nations it may, one half of the United States must be peculiarly injured; and in all cases it will be difficult for them to assist each other. The interior has no seamen for naval defence, the seaboard can send few if any troops beyond the mountains.

This powerful influence of one nation on one great division of our country, and of another nation on the remainder, will tend to disunite us. The ridge of mountains will mark the line of distinct interests. The effect of those differing interests will be felt in your councils. It will be evinced on this floor. This must be the case so long as man is man. Look I pray at those nations. The enmity of France and England can terminate only by the subjection of one to the dominion of the other. It must be by the complete exertion of force and the utter impossibility of resistance. They are the Rome and Carthage of modern times. Their implacable spirit will stimulate them to attempt a division of this country by sentiments of hatred, deadly as their own. These efforts will, I hope, be vain; but with such powerful engines to operate on the interest and the will, is there not danger to that Union so essential to our prosperity? There will be a constant struggle in Congress, as to the kind of public force which ought to be maintained. The one part will desire an army, the other a navy. The unyielding spirit of party will perhaps prevent the support of either; leaving the nation completely defenceless, and thereby increasing the power of those, who may influence or command our destinies. For let it be remembered, that a nation without public force is not an independent nation. In a greater or smaller degree she will receive the law from others.

Having thus considered the effect of this session upon the United States, in a general point of view, let us now examine it more particularly, as it regards the greater divisions of our country, the Western, the Southern, the Middle, and the Eastern States. I fear, Sir, I shall detain you longer than I intended, certainly longer than the light of day will last, notwithstanding my effort to comprise what I have to say in the smallest compass. As to the Western States, the effects will be remote and immediate. Those more remote may be examined under the twofold aspect of peace and war. In peace they will suffer the diminution of price for their pro-

duce. The advantage of supplying the French, Dutch, and Spanish colonies may at first sight lead to a different opinion; but when the port of New Orleans is shut to all but French ships, there will no longer be that competition which now exists, and which always results in the highest price that commodities can bear. The French merchants have neither the large capital, nor have they the steady temper and persevering industry, which foster commerce. Their invariable object in trade is to acquire sudden wealth by large profit; and if that cannot be done, they abandon the pursuit for some new project. Certain of the market, and certain of the increasing supply, they will prescribe the price both to those who cultivate and to those who consume. Such will be the effect in peace. In a war with England, the attention of her fleets to cut off supplies from her enemies must necessarily affect the price of produce in a still greater degree; and in a war with France, it will bear no price at all, until New Orleans shall be wrested from their grasp. Add to this the danger and the devastation from the troops of that country, aided by innumerable hosts of savages from the western wilds. Such being the evident effects to be produced in times not far remote, the present evil follows from the anticipation of them. The price of land must be reduced from the certainty, that its produce will become less valuable. The flood of emigration to those fertile regions must cease to flow. The debts incurred in the hope of advantageous sales must remain unpaid. The distress of the debtor must then recoil on his creditor, and, from the common relations of society, become general.

What will be the effect on the Southern States? Georgia, Carolina, and the Mississippi Territory are exposed to invasion from the Floridas and New Orleans. There are circumstances in that portion of America, which render the invasion easy, and the defence difficult. Pensacola, though the climate be warm, is among the healthiest spots on earth. Not only a large garrison, but an army may remain there without

hazard. At Pensacola and St Augustine forces may be assembled to operate in that season of the year, when the morasses which separate them from our southern frontier no longer breathe pestilence. By what are those armies to be opposed? Will you call the militia from the north to assist their southern brethren? They are too remote. Will you, to secure their seasonable aid, bring them early to the fields they are ordered to defend? They must perish. The climate more fatal than the sword will destroy them before they see their foe. The country adjoining to our southern frontier is now in possession of the most numerous tribes of savages we are acquainted with. The access to it from New Orleans and the Floridas is easy and immediate. The toys and gewgaws manufactured in France will be scattered in abundance to win their affections, and seduce them from their present connexion. The talents of the French to gain the good will of the savages is well known, and the disposition of those uncultured men for war is equally notorious. Here then is a powerful instrument of destruction, which may be used against you with ruinous effect. Besides, what is the population of the Southern States? Do you not tremble when you look at it? Have we not within these few days passed a law to prevent the importation of certain dangerous characters? What will hinder them from arriving in the Floridas, and what can guard the approach form thence to our southern frontier? These pernicious emissaries may stimulate with a prospect of freedom the miserable men, who now toil without hope. They may excite them to imitate a fatal example, and to act over those scenes, which fill our minds with horror. When the train shall be laid, when the conspiracy shall be ripe, when the armies of France shall have reached your frontier, the firing of the first musket will be a signal for general carnage and conflagration. If you will not see your danger now, the time must soon arrive when you shall feel it. The Southern States being exposed to such imminent danger, their Representatives may be made to know that a vote given in Congress shall realize the worst apprehensions. You will then feel their danger even on this floor.

Such being the probable result, as to the Southern, what will it be to the Middle States? Their trade to the West India Islands is gone, the moment that country is in possession of the French. England, to whose dominions alone they can have recourse for the vent of their produce and the purchase of their supplies, will confine that commerce to her own ships. I say the moment the French are in possession of New Orleans your West India trade is gone. I do not mean that this effect will be sudden as a flash of lightning, but it will be gone in a few years, which may be considered as a moment when compared with national existence. You will then be dependant for that trade on the good will of England, and, as your navigation decreases, your dependance will be still greater, because you will rely on her navy for your protection. I again repeat that when it shall be a question in your councils, whether you will have a navy, the increasing weight of the western country will be thrown into the scale of opposition. They will insist on an army for their protection. My honorable colleague has expressed his fears of a standing army. Sir, your present negligence will put you under the necessity of having such an army, and expose you to all the consequences to be apprehended from it. You may indeed remain united in a body as one nation, but with such contrariant interests and opinions, with sentiments and views so different, it will be a large and languishing body without a soul.

To the Eastern States, when separately considered, this may appear a matter of less moment, than to the other great divisions of our country. But they will perceive in it the loss of their navigation; they will see the theatre of their industrious exertions contracted; they will feel the loss of the productions of that western world in the mass of their commercial operations; and above all they will feel the loss of an ample resource for their children. These western regions are peculiarly their heritage. It is the property of the fathers of America, which they hold in trust for their children. The exuberant population of the Eastern States flows in a steady stream

to the western world, and if that be rendered useless, or pass under the dominion of a foreign power, the fairest hope of posterity is destroyed. The time may come, and I fear it will come, when those who cross the mountains will cross the line of jurisdiction. Whether we consider therefore this object in its relations to our general policy, or examine its bearings on the greater divisions of our country, we find ample reason to agree with the gentleman near me, that New Orleans and the Floridas must not be separated from the United States.

Let us now consider the consequence of the cession we complain of to other nations, and this we may do generally, and then more especially as to those who have a direct and immediate interest in the transaction. In a general view, the first prominent feature is the colossal power of France. Dangerous to Europe and to the world, what will be the effect of a great increase of that power! Look at Europe. One half of it is blotted from the list of empires. Austria, Russia, Prussia, and Britain, are the only powers remaining, except Sweden and Denmark, and they are paralysed. Where is Italy, Switzerland, Flanders, and all Germany west of the Rhine? Gone, swallowed up in the Empire of the Gauls. Holland, Spain, Portugal, reduced to a state of submission and dependance. What is the situation of the powers that remain? Austria is cut off from Italy, the great object of her ambition for more than three centuries; long the rival of France, long balancing with the Bourbons the fate of Europe, she must now submit, and tacitly acknowledge to the world the superiority of her foe, and her own humiliation. Prussia, under the auspices of the great Frederick, was at the head of a Germanic league to balance the Imperial Power. Though united with Austria for a moment in the hollow league of the coalition, she has, like Austria, been actuated by a blind jealousy, and favoring the operations of France for the ruin of her rival, expected to share largely in the general spoil. In this fond hope she is disappointed; she now sees the power of France at her door. There is not a fortress from the Rhine to the

Baltic, except Magdeburg, which the First Consul may leave on his left. The fertile plains near Leipsic contain the magazines for his armies, when he shall think proper to march to Berlin. Westphalia and Lower Saxony are open, on the side of Flanders and Holland. The Maine presents him a military road to the borders of Bohemia. By the Necker he approaches Ulm, and establishes himself on the Danube. These rivers enable him to take the vast resources of his wide domain to the point where he may wish to employ them. Menacing at pleasure his neighbors, he is himself secured by a line of fortresses along his whole frontier. Switzerland, which was the only feeble point of his defence; and which separated his Gallic and Italian dominions, has lately been subjected. The voice you now hear, warned the Swiss of their fate more than eight years ago. The idea seemed then extravagant; but realized, it appears but as a necessary incident. Russia is deprived of her influence in Germany, and thereby of a principal instrument by which her policy might operate on the great powers of the South. The Germanic Body is indeed in the hand of the First Consul. Three new Electors along the Rhine are under the mouths of his cannon. They dare not speak—speak! none dare speak. They dare not think anything inconsistent with his wishes. Even at their courtly feasts they sit like Damocles, destruction suspended over their heads by a single hair. Would you know the sentiment of England? Look at the debates. In the two Houses of Parliament they speak their fears. Such being the general sentiment of Europe, can it be supposed that they will view without anxiety a new extension of that power and dominion, the object of their hatred and apprehension?

Will it be said that there is a security to the freedom of mankind from the moderation with which this enormous powers is to be exercised? Vain delusion! This power is not the result of accident. At the moment when France dethroned her sovereign it was easy to foresee, that a contest must ensue in which her existence would be staked against the empire of

the world. If not conquered by surrounding princes, and the hope of such conquest unless by the aid of her own citizens was idle, her numerous armies acquiring discipline must eventually conquer. She had the advantages of situation, and those which result from union opposed to councils uncertain and selfish. It was easy also to foresee that, in the same progress of events, some fortunate soldier would seat himself on the vacant throne ; for the idea of a French Republic was always a ridiculous chimera. Bonaparte has placed himself at the head of that nation by deeds, which cast a lustre on his name. In his splendid career he must proceed. When he ceases to act he will cease to reign. Whenever in any plan he fails, that moment he falls. He is condemned to magnificence. To him are forbidden the harmonies and the charities of social life. He commands a noble and gallant nation passionately fond of glory. That nation stimulates him to glorious enterprize, and because they are generous and brave they ensure his success. Thus the same principle presents at once the object and the means. Impelled by imperious circumstances he rules in Europe, and he will rule here also, unless by vigorous exertion you set a bound to his power.

Having cast thus a rapid glance on the general state of Europe, it remains to look particularly at the condition of England and Spain, so far as they may be affected by the cession of those provinces to France. England will see in it an increase of commerce and naval force for her rival. She will see imminent danger to her Islands and particularly to Jamaica. The climate of Pensacola has already been noticed. The position is of incalculable moment. During the sickly and hurricane season, fleets and armies may wait there in safety till their enemy shall be enfeebled and unprotected. Where will the British fleets and armies be stationed with equal advantage? If they ask an asylum in your ports, you must refuse ; for should you listen to any such proposition, your kindness would be considered as a hostile aggression. The influence of France on the United States, which has al-

rently been noticed, will give double weight to her representations. And this very influence is among the effects, which Britain must deprecate. I have not time to dwell on this subject, nor many others as fully as I ought. The condition of Spain is not less worthy of notice. No two nations on earth have more rooted hatred for each other than France and Spain. There are none more different in essential points of character. United, however, under sovereigns of the same family, these antipathies were wearing away. But the fatal stroke, which destroyed the French monarch, has severed that band. Force has since produced not union, but submission. It is not in nature that the Spanish King should foster kindly sentiments for him, who has decked himself in the spoil of his House. The proud, the brave, and the loyal Castilian groans under the yoke which galls him, but which he cannot break, and sickens at the recollection of his ancient glory. His deep resentments are known, and it is to prevent their effects, that he has been compelled to make the cession of these provinces. France will then hold at her discretion the Spanish treasures, and the rich provinces of the New World. At the first symptom of hostile sentiment she arrests the means of aggression. Thus the dependance of Spain is rendered absolute, and her chains are riveted forever? Does Spain behold this state of things with calm indifference? No. She feels all the pangs of wounded pride, driven to the necessity of perpetuating its own humiliation.

A few words, after what has already been said, will suffice to show the importance of these provinces to France. This results from the influence on her rival, on Spain, and on the United States; by means of the position, the resources, and the means of aggression, which those provinces afford. Enough has been said of the position. The resources are great and increasing. Not only cotton and indigo will be furnished for her manufactures, but supplies and subsistence for her colonies and her troops. These resources too will be at the very point most important both for defence and aggression. The

same force will be ready to operate either against England, Spain, or America. Thus that force will be tripled in its moral effect, and influence alike the conduct of all against whom it may be directed. To what has been said on the facility with which we may be assailed, I might add much, but it is unnecessary. It behoves us however to consider well the spirit of the French government, which in all its changes has never lost sight of this object. The French Minister, M. de la Luzerne, when Congress were deliberating on the ultimata for peace, obtained a resolution that our Ministers should, as to our western boundary, treat under the dictation of France. Our Ministers disdained the condition, and refused to obey. Their manly conduct obtained for you the countries, whose fate is now suspended on your deliberations. Never, no never, has France lost sight of Louisiana. Never for a moment has she been blind to its importance. Those who, driven from her bosom into exile, wandered about among us, have gathered and communicated the fullest information. While they enjoyed your hospitality they probed your weakness, and meditated the means of controlling your conduct. Whatever may be the fair appearances, rely on it that every Frenchman bears with him everywhere a French heart, and so he ought. I honor him for it. O! that Americans had always an American heart!

It remains to notice the advantage of this country to the United States, as it may relate to our power, our peace, our commerce, and above all, to our freedom. As to our power something has already been said on the peaceful influence, which results from the independence of colonies belonging to the great nations of Europe. Add to this that the product of those colonies must pass by our doors, and be exposed to our cruisers. A farther advantage is to be found in the ready means of invasion, in concert with the troops of others, if driven to the necessity of war. The possession of power will give us not only security but peace. Peace indeed can never be safe, but by the aid of power. Our disposition is pacific.

It is our interest to be at peace, and the form of our government, while it secures to us the enjoyment of as much liberty as is possible, renders it particularly imprudent to risk in war any change of the Constitution. Grant us these provinces, and we can dictate the conditions of our commerce with the Islands. Possessed of them it will be doubly lucrative, and without them wholly uncertain. There is another stream of profitable trade, which will then flow in our channels. The risk and difficulty, which Spain experiences in bringing home her treasures when she is at war, will naturally suggest the advantage of remitting them through this country. The produce of the Mexican mines may then be shipped directly to Asia. It will be paid for to Spain by bills on the commercial nations, and thus furnish to her the easy means of obtaining the supplies she may stand in need of. The bullion will be so much the more valuable, as the danger and expense of transportation are diminished. This, therefore, would have a beneficial result upon the whole commercial world. It would more especially emancipate Spain from her present thraldom. It would give a happy change to all her interior administration, and increase both her absolute and relative force.

Let me say here, that it is our interest to preserve the authority of Spain over her American territory. We have enough of our own. We can have no wish to extend our dominion. We want men, not land. We are therefore the natural and safe guardians of Spain. On us she may rely with perfect confidence. We can derive from that commerce, which it is her interest to permit, all the advantage we ought to ask. But great as are the benefits, which will result from the possession of the Floridas and New Orleans, great as is their tendency to advance our power, secure our peace, and extend our commerce, there is a consideration in comparison with which commerce, peace, and power are but of slight avail. These provinces will fortify the defences of our freedom. My honorable colleague has stated to you his apprehensions from standing armies. And yet, Sir, if we be not

possessed of this territory, standing armies become necessary. Without an imposing military force the inhabitants of the Western country will be in such immediate danger, that they must league with a neighbor, who will have everything to offer, and from whom they will have everything to fear. This will lead to the worst of all wars, to civil war. And when that shall happen, liberty will soon be lost. The army, which has defeated one half the nation, will easily lend itself to enslave the other. Such is the history, and such will ever be the fate of man.

In this view, then, above all others, is that possession most precious. When it is in our hands we need no standing army. We can turn our whole attention to naval defence, which gives complete security both at home and abroad. When we have twenty ships of the line at sea, and there is no good reason why we should not have them, we shall be respected by all Europe. The sense of security resulting from such force must give a new spring to industry, and increase the stock of national wealth. The expense compared with the benefit is moderate, nay, trifling. And let me here say one word as to national expense. Sir, whatever sums are necessary to secure the national independence must be paid. They will not amount to one half of what it must cost us to be subdued. If we will not pay to be defended, we must pay for being conquered. There is no medium, and but the single alternative. In the proper expenditure for defence, therefore, is true economy, and every pitiful saving inconsistent with that object, is the worst, the most profligate profusion.

Having now considered, in its various relations, the importance of these provinces, the way is open to estimate our chance of obtaining them by negotiation. Let me ask on what ground you mean to treat? Do you expect to persuade? Do you hope to intimidate? If to persuade, what are your means of persuasion? Every gentleman admits the importance of this country. Think you the First Consul, whose capacious mind embraces the globe, is alone ignorant

of its value? Is he a child, whom you may win by a rattle to comply with your wishes? Will you, like a nurse, sing to him a lullaby? If you have no hope from fondling attention and soothing sounds, what have you to offer in exchange? Have you anything to give which he will take? He wants power. You have no power. He wants dominion. You have no dominion. At least none that you can grant. He wants influence in Europe. And have you any influence in Europe? What, in the name of Heaven, are the means by which you would render this negotiation successful? Is it by some secret spell? Have you any magic power? Will you draw a circle and conjure up devils to assist you? Or do you rely on the charms of those beautiful girls, with whom the gentleman near me says the French grenadiers are to incorporate? If so why do you not send an embassy of women? Gentlemen talk of the principles of our government, as if these could obtain for us the desired boon. But what will these principles avail? When you inquire as to the force of France, Austria, or Russia, do you ask whether they have a habeas corpus act or a trial by jury? Do you to estimate their power discuss their interior police? No. The question is, How many battalions have they? What train of artillery can they bring into the field? How many ships can they send to sea? These are the important circumstances, which command respect and facilitate negotiation. Can you display these powerful motives? Alas! alas! To all these questions you answer by one poor word, confidence, confidence, confidence. Yes, verily, we have confidence. We have faith and hope; aye, and we have charity too, Well. Go to market with these christian virtues, and what will you get for them? Just nothing. Yet in the face of reason and experience you have confidence; but in whom? Why, in our worthy President. But he cannot make the treaty alone. There must be two parties to a bargain. I ask if you have confidence also in the First Consul? But whither, in the name of Heaven, will this confidence lead, and to what does it tend? The

time is precious. We waste, and we have already wasted moments, which will never return. You have already tried negotiation. I say you have tried it, because I know you have a Minister in France, and I am sure the first magistrate of our country cannot have been so negligent as not to pay attention to a subject, which is confessedly of such magnitude. You have then negotiated. And with what success? Why, instead of defeating the cession you have closed the river. Instead of obtaining any advantage by a new treaty, you have lost the benefit of an old one. Such are the results of your negotiation in Europe. In this country you have negotiated to get back the privilege you are robbed of; and what follows? A prohibition to touch their shores. Instead of restoring the rights of treaty, they cut you off from the rights of humanity. Such is your splendid success from negotiation; and yet gentlemen tell us we must continue to negotiate.

The honorable member from Kentucky says, that great lengths are gone in inquiring into and rectifying the irregular procedure. He tells us a Minister is just appointed, and it would therefore be inconsistent to fight just now; that, moreover, it would degrade the President's authority, and defeat his measures. The gentleman from Georgia says, we have no right to go to war, till there shall be a refusal on the part of Spain; and my honorable colleague assures us, that if our wrongs are redressed by negotiation, we can have no complaint. As to the lengths which are gone, it is for those gentlemen to appreciate their value, who know what they are. I profess my ignorance, and judging by effects, must withhold my confidence. If we must wait for a pointed refusal before we do ourselves right, I venture to predict a delay fatal to the peace of this country. But, Sir, what is it we are to ask, the refusal of which will justify war? Is it, as my honorable colleague supposes, a mere restitution of a privilege wrongfully taken away? Sir, I answer in the words of the resolutions moved by my friend. 'It does not consist with the dignity of this country to hold a right so important by a tenure so uncertain.' But the honorable member from Maryland has told

us, that we need not cross the Atlantic to seek for precedents, that we have enough in our own achives; and he has had the goodness to mention our humble petitions presented to the King of Great Britain in 1775. We sent, says he, petition after petition. I am sure that honorable member has no wish, that a Minister should be sent to bear our humble petitions to the footstool of the First Consul's throne. But, Sir, whether we treat or pray, it will end as it did in 1775, by war, unless we are determined to give up that independence, which we then sought to establish.

Let us consider a moment the natural course of this negotiation. It is the interest of France to foster in us a hope from treaty, until she has put herself in a condition to frustrate all other hope. There can be no question therefore that she has avoided, and will avoid a direct refusal. And as long as we are content to accept smooth speeches, general assurances, vague assertions, and loose evasions, we shall have no want of that court currency. But why, it may be said, has she not already taken possession? Because her original plans have been greatly deranged. St Domingo presented obstacles unexpected, and that enterprise must not be abandoned, for though the island may not in itself be of much consequence, though it must be ruined before it can be conquered, yet conquered it must be, for the world must continue to believe, that the First Consul cannot fail in what he has undertaken. Much of his power rests on that opinion, and it must therefore be maintained. But there are other incidents, beside those of St Domingo, which have had the same tendency. There followed on the general peace, a serious discussion of the German indemnities; then the affairs of Italy; lately of Switzerland; and during the whole momentous period, it was doubtful, how far England would bear a continued invasion of the liberties of Europe. And it was evident, that should the war recommence with England, the force sent to this country would be totally lost. It was important therefore to gain time; and for that very reason we should have insisted on an immediate de-

cision. Such then is the state of this treaty so fondly desired. A treaty by which we are to ask much, and offer nothing. A negociation in which we have no means to persuade. Have we any to intimidate? Where is your public force? You have none; and seem resolved not to have or use any. My honorable colleague tells us, that war will increase our debt one hundred millions, and that our people are not fond of taxes. He says we are trying a new experiment to pay our debts in a given period, which war would derange. It would injure, moreover, our pacific character, and might draw down the jealousy of all nations who have colonies. He believes that three fourths of our people are opposed to war, but yet he thinks that nine months hence we shall be in a better condition.

What is the effect of this language? Is it not to convince the adverse party, that he has nothing to fear from a refusal? As to this experiment for the payment of our debts, whether it have the merit of novelty, I shall not inquire; but I am bold to assert that the merit, be it what it may, is due to one of my worthy friends, who formerly administered our finances. The same plan also has been adopted by another great statesman, (Mr Pitt) who has for many years past provided regularly a fund to liquidate in a given period each debt, which his nation has incurred. But does England trust her safety to the protection of her sinking fund? No. She has fifty thousand seamen employed, and a hundred thousand soldiers; these form the shield of her defence. A gentleman near me has told us, that in case of war, our mercantile capital is exposed in every part of the world. To this I answer, first, that the same objection will apply with equal weight upon any and every occasion. But further, I say the argument is directly and completely against him. How does it stand? He admits that if negociation fails, he will draw the sword. He goes farther, and says he will throw away the scabbard. Now, Sir, it is clear that if we operate at once, notice may be given to our merchants. Advices may be sent in season to every sea.

And here let me say, that it is the duty of the government to apprize both our insurers and shippers of their dangerous situation. It is unwise as well as unjust to lull them into a fatal security. But suppose the treaty shall fail, (and remember that the success or failure depends on Bonaparte) he will weigh the present declarations and act accordingly. He will commence a war on your commerce long before you know that war exists. I say, therefore, the argument is directly against the gentleman who used it. And here, let me say one word on the comparative merits of the resolutions on your table. Those moved by my honorable friend give the President command, not only of the militia, but of the naval and military force. They place money at his disposal, and what is most important, they put it in his power to use these efficient means. The resolutions moved as an amendment authorize indeed a call for a greater number of militia, but when called they can do nothing but consume their rations. There is no power to bring them into action, and of course the expense is useless, even for the purpose of influence.

Having endeavored to show, that we have no hope from treaty, it only remains to consider the natural effect of taking an immediate possession. Against this measure it has been said, that war, instead of giving relief, will absolutely shut up the Mississippi; that a single seventy-four in the mouth of that river would stop it effectually. I believe, Sir, it would not only stop, but turn it; for a seventy-four would run aground and obstruct the channel. But what is the amount of these observations? The gentlemen all agree that if they cannot obtain their object without war, they will fight for it. The mischief they deprecate must therefore arrive, unless there be a well-grounded hope from treaty; and the only difference is, that they are willing to take a longer term of sufferance, because they have a stronger expectation of relief without the exertion of force. I have no such expectation. I shall therefore proceed to consider what will follow, if we take possession without a previous alliance with Britain, or with such an alliance. I have heard

it urged in conversation, that such alliance should first be made, and therefore I think it proper to take up the subject in debate. I cannot however but remark on the different language now held, from that which we heard a year ago. Then it was the fashion to say, we had nothing to do with other nations. And when a man of plain sense observed, that this disposition was of little avail, because other nations would have something to do with us; and when the particular danger we now see was pointed out; oh then, to be sure, there was nothing to apprehend from our dear sister republic. I censure no man for adopting other and wiser principles. I have no question but that as gentlemen proceed in the business of government, they will see the folly of many other fanciful notions, but I must entreat them not to fly from one extreme to the other. I hesitate not to give my opinion, that we ought to take possession without consulting Great Britain. And having done so, let us declare to France that we mean to live with her in perfect amity. Let us offer every assistance in our power to conquer and preserve St Domingo. Let us show her that we have done an act of mere defence. Let us prove our pacific disposition by declaring, that we are under the tie of no obligation to her rival. To Spain let us hold a similar language. Let us point out her present danger and demonstrate the utility of our possession. To both let us offer to relinquish our claim for spoliations on our commerce, and pay our own merchants. We can well afford to purchase with that price, a price paid to ourselves. Finally, if our representations do not produce the desired effect, let us tell them that we will ally ourselves to England, and aid in the conquest of all their American dominions. Sir, this language will be listened to. Rely on it, that under such circumstances neither France nor Spain dare send hither a single regiment or a single ship. The existence of the British naval force will alone produce all the effect you could ask from its operation. But what are we to hope from a delay, until an alliance shall be made? What will be the stipulations of the treaty of alliance?

These may be more or less onerous or pernicious. Certainly the British Minister will not hazard the fate of his nation, without the hope of some correspondent advantage. One stipulation is certain. We must agree to continue the war, until a peace can be obtained by common consent; and this is precisely the stipulation, which we ought not to make, if it can be avoided; because we shall then be no longer masters of our exterior relations. To this it may be objected, that we cannot expect aid from Britain without a previous treaty. I ask what reliance you have for aid with treaty? The answer is, that it will be her interest. And, Sir, it is her interest to give that aid without treaty.

I have now gone through this tedious discussion. I have trespassed on your patience more than I wished, although from the lateness of the hour much has been omitted of what I ought to have said. I have endeavored to show, that under the existing circumstances, we are now actually at war, and have no choice but manly resistance or vile submission. That the possession of this country by France is dangerous to other nations, but fatal to us. That it forms a natural and necessary part of our empire, that. to use the strong language of the gentleman near me, it is joined to us by the hand of the Almighty, and that we have no hope of obtaining it by treaty. If indeed there be any such hope it must be by adopting the resolutions offered by my honorable friend. Sir, I wish for peace. I wish the negotiation may succeed, and therefore I strongly urge you to adopt those resolutions. But though you should adopt them, they alone will not insure success. I have no hesitation in saying, that you ought to have taken possession of New Orleans and the Floridas the instant your treaty was violated. You ought to do it now. Your rights are invaded, confidence in negotiation is vain; there is therefore no alternative but force. You are exposed to imminent present danger. You have the prospect of great future advantage. You are justified by the clearest principles of right. You are urged by the strongest motives of policy. You are commanded by every sentiment of national dignity.

Look at the conduct of America in her infant years. When there was no actual invasion of right, but only a claim to invade. She resisted the claim. She spurned the insult. Did we then hesitate? Did we then wait for foreign alliance? No, animated with the spirit, warmed with the soul of freedom, we threw our oaths of allegiance in the face of our sovereign, and committed our fortunes and our fate to the God of battles. We then were subjects. We had not then attained to the dignity of an independent Republic. We then had no rank among the nations of the earth. But we had the spirit, which deserved that elevated station. And now that we have gained it, shall we fall from our honor?

Sir, I repeat to you that I wish for peace; real, lasting, honorable peace. To obtain and secure this blessing, let us by a bold and decisive conduct convince the powers of Europe, that we are determined to defend our rights, that we will not submit to insult, that we will not bear degradation. This is the conduct, which becomes a generous people. This conduct will command the respect of the world. Nay, Sir, it may rouse all Europe to a proper sense of their situation. They see that the balance of power, on which their liberties depend, is, if not destroyed, in extreme danger. They know that the dominion of France has been extended by the sword over millions, who groan in the servitude of their new masters. These unwilling subjects are ripe for revolt. The empire of the Gauls is not like that of Rome, secured by political institutions. It may yet be broken. But whatever may be the conduct of others, let us act as becomes ourselves. I cannot believe with my honorable colleague, that three fourths of America are opposed to vigorous measures. I cannot believe, that they will meanly refuse to pay the sums needful to vindicate their honor and support their independence. Sir, this is a libel on the people of America. They will disdain submission to the proudest sovereign on earth. They have not lost the spirit of seventy-six. But, Sir, if they are so base as to barter their rights for gold, if they are so vile that they will

not defend their honor, they are unworthy of the rank they enjoy, and it is no matter how soon they are parceled out among better masters.

My honorable friend from Pennsylvania, in opening this debate, pledged himself and his friends to support the executive government, if they would adopt a manly conduct. I have no hesitation to renew that pledge. Act as becomes America, and all America will be united in your support. What is our conduct? Do we endeavor to fetter and trammel the executive authority? Do we oppose obstacles? Do we raise difficulties? No. We are willing to commit into the hands of the Chief Magistrate the treasure, the power, and the energies of the country. We ask for ourselves nothing. We expect nothing. All we ask is for our country. And although we do not believe in the success of treaty, yet the resolutions we move and the language we hold are calculated to promote it.

I have now performed, to the best of my power, the great duty which I owed to my country. I have given that advice, which in my soul I believe to be the best. But I have little hope that it will be adopted. I fear that by feeble councils we shall be exposed to a long and bloody war. This fear is perhaps ill founded, and if so I thank God that I was mistaken. I know that in the order of his providence, the wisest ends frequently result from the most foolish measures. It is our duty to submit ourselves to his high dispensations. I know that war, with all its misery, is not wholly without advantage. It calls forth the energies of character, it favors the manly virtues, it gives elevation to sentiment, it produces national union, generates patriotic love, and infuses a just sense of national honor. If then we are doomed to war, let us meet it as we ought; and when the hour of trial comes, let it find us a band of brothers.

Sir, I have done, and I pray to Almighty God that this day's debate may eventuate in the prosperity, the freedom, the peace, the power, and the glory of our country.

ADDRESS

TO THE

ASSEMBLY OF PENNSYLVANIA,

ON THE ABOLITION

OF THE

BANK OF NORTH AMERICA.

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THE *Bank of North America* was established in the year 1781, chiefly under the direction of ROBERT MORRIS, then Superintendent of Finance. It was at that time incorporated by an ordinance of Congress. On the application of the President and Directors of the Bank, the Assembly of Pennsylvania likewise passed a State act of incorporation, April 1st, 1782. This continued till 1785, when a proposition was brought into the Assembly to abolish the charter. While the subject was in agitation, the following ADDRESS to the Representatives in the Assembly was written by GOUVERNEUR MORRIS, against the abolition of the charter, and in defence of the Bank, answering all the objections advanced in opposition to it by a lucid statement of facts and a very able train of reasoning.

GENTLEMEN,

Whether the Bank shall be abolished or established, is one of those important questions, which will in course attract your notice. The heat of disputation will then give birth to many arguments. But disputants do not always convey information. There is, no doubt, a great majority of members, who will vote according to their dispassionate judgment; and such men will naturally wish to form opinions on plain reasons plainly deliver-

ed. To them, therefore, this paper is addressed. And, in order that we may have a clear view of the object, let us consider, first, whether admitting the institution of the Bank to have been pernicious, a law to abolish it would be wise; and, secondly, whether it is really a pernicious institution.

First, then, admitting the institution of the Bank to have been pernicious, would a law to abolish it be wise? The answer to this question depends on two points. First, whether such a law would be effectual; and secondly, whether it would be prudent. An inquiry whether the law would be effectual involves a doubt of your power, and may, therefore, offend the weak or illiberal, but wise representatives of free citizens will listen with candor and form a dispassionate judgment. They know that the boasted omnipotence of legislative authority is but a jingle of words. In the literal meaning it is impious. And whatever interpretation lawyers may give, freemen must feel it to be absurd and unconstitutional. Absurd, because laws cannot alter the nature of things; unconstitutional, because the Constitution is no more, if it can be changed by the Legislature. A law was once passed in New Jersey, which the judges pronounced to be unconstitutional, and therefore void. Surely no good citizen can wish to see this point decided in the tribunals of Pennsylvania. Such power in judges is dangerous; but unless it somewhere exists, the time employed in framing a bill of rights and form of government was merely thrown away.

The doubt which arises on this occasion, as to the extent of your authority, is not founded on the charter granted by Congress; but supposing the incorporation of the Bank to have been the same in its origin as that of a church, we ask whether the existence and the rights acquired by law can be destroyed by law. Negroes have by law acquired the right of citizens; would a subsequent law take that right away? It is not true that the right to give involves the right to take. A father, for instance, has no power over the life of his child, nor can a felon or traitor, pardoned by act of grace, be by re-

peal of that act condemned and executed. Should an act be passed to cancel the public debts, would that act be valid? Where an estate has been granted by law, can it be revoked by a subsequent law? Could the lands forfeited and sold be resumed and conveyed to the original owners? Many such questions might be put, and a judicial decision, either affirmative or negative, would be inconvenient and dangerous. Look then to the end ere you commence the labor.

Secondly, admitting your power, ought it, in prudence, to be exercised. You will certainly consider, that, as a violation of private property, it must sully the reputation of the State. Good men are careful of their own reputation, and protect that of their country, from sentiment. Wise men are confirmed in this sentiment, by reflection and information. Facts are sometimes better than arguments. It is then a fact, that applications made by citizens of Pennsylvania to borrow money in Holland have been defeated by those attacks already made on the Bank. It is also a fact, that the credit of our merchants has been greatly injured, in foreign countries, from the same cause. This is the argument which foreigners use. If your government so little respects the property of their own citizens, as to overturn an institution like the Bank, how can our property be safe among you? It will not be easy to answer that question, and you know, gentlemen, that your merchants cannot give credit, unless they can get credit; and you know also how important credit is to the frontier inhabitants, at least, if not to those of the more settled country.

Deeply, therefore, are we interested in preserving unsullied fame. But if this consideration has not sufficient weight, reflect on the domestic consequences of abolishing charters. What is practice today becomes precedent tomorrow. And sure it is worth some serious thought, whether this dangerous practice shall be introduced. Every man is interested in the establishment of such precedent, as a member of some religious society, or of particular corporations for the promotion of science, or the purposes of humanity. Attention to the chang-

es of human affairs, like meditation among the tombs, teaches solemn and affecting lessons of wisdom and moderation. Look back to the disputes which convulsed this commonwealth twenty years ago. Mark the succeeding revolutions. See how friendships and how enmities have changed. See how power has been wrested from one, and grasped by another. This generation will soon pass away. Who can designate the men that will sit in seats of authority twenty years hence, or five, or one? You are here today and gone tomorrow. Beware then how you lay the foundation for future encroachments. While justice is the principle of government, to be innocent is to be secure. Be not then seduced by the momentary bauble of power; for place it where you will it is dangerous, and the tyrannous use of it is always tyranny. Those who live by the sword shall die by the sword. The violent must, of necessity, become victims of violence. Should the next election give power to those who may now be oppressed, what bounds shall be set to unbridled resentment? May not all charters be at once laid low, by a general law declaring the existence of corporations to be incompatible with the public welfare? Since, then, these consequences may follow, we may reasonably doubt whether a law to abolish the Bank would be wise, even if the institution had been pernicious. But is it really a pernicious institution?

This question is of great magnitude. Some objections against the Bank may perhaps be well founded. Let us examine them. They are,

First, that it enables men to trade to their utter ruin by giving them the temporary use of credit and money.

Secondly, that the punctuality required at the Bank throws honest men into the hands of usurers.

Thirdly, that the great dividend on bankstock induces monied men to buy stock rather than lend on interest.

Fourthly, that rich foreigners will, for the same reason, become stockholders so as that all the property will finally vest in them.

Fifthly, that the payments of dividends to foreigners will be a constant drain of specie from the country.

Sixthly, that the Bank facilitates the exportation of coin.

Seventhly, that it injures the circulation of bills of credit.

Eighthly, that the wealth and influence of the Bank may become dangerous to the government.

Ninthly, that the directors can obtain unfair advantages in trade for themselves and their friends.

And tenthly, that it is destructive of that equality which ought to take place in a free country.

These objections, though artfully made and industriously circulated, do not consist very well together. For if it be true that the Bank enables men to overtrade themselves, by the use of money at an easy rate; it cannot be true that it throws men into the hands of usurers, who exact for the use of money an exorbitant rate. If it be true, that foreigners will buy out stockholders, even as is said at fifty per cent advance, so as to become proprietors of the whole; it cannot be true that the money of our rich citizens will be vested in bankstock, and none remain for loans. If it be true, that the Bank facilitates the exportation of coin; it cannot be true that it injures the circulation of bills of credit, which bills are always expressly emitted to supply the real or supposed want of specie. If it be true, that the use of money obtained by discounts at the Bank ruins the trader; it cannot be true that the directors and their friends would gain any advantage by it. If it be true, that the Bank has a tendency to lock up in its vaults the money of rich citizens; it cannot be true that it facilitates the exportation of coin. If it be true, that foreigners will continually bring in money to buy the principal of the stock; it cannot be true that the country will continually be drained of specie by paying the dividend on that principal. If it be true, that the funds of the bank must finally vest in foreigners; it cannot be true that it is destructive of equality among the citizens.

Thus much in general. Let us now consider each objection by itself; and FIRST, that it enables men to trade to their utter ruin, by giving them the temporary use of money. It is

true that the Bank has given facility to commercial people, of which some have made an imprudent use, by engaging in rash and ruinous enterprises. But this abuse of commercial advantages cannot be prevented, otherwise than by the destruction of commerce itself, or by confining the trade, as in China, to an exclusive company. Neither of these modes would suit the genius and temper of Pennsylvania. We must therefore, as in former times, leave the foolish to suffer the consequence of their folly, and not punish, for their sakes, the sober and discreet. The convenience merchants derive from being able to obtain money for short periods, and on easy terms, is of the greatest consequence to them. And it would be a marvellous thing indeed, if the use of water were prohibited, because some people choose to drown themselves.

Secondly, it is said that the punctuality required at the Bank throws honest men into the hands of usurers. This objection will admit of nearly the same answer with the last. If men, who borrow for a short term, will engage the funds borrowed in long speculations, thereby depriving themselves of the means of payment, who is to blame? Is it the benevolent lender, or the foolish and dishonest borrower? Why did he incur the debt and undertake the payment? Or why divest himself of the means? But say, that a man is, by misfortune, in want of a considerable sum, without which his credit would suffer. The Bank advances the sum for forty days, and saves him from ruin. If within that period he collects his funds, and repays the advance, has he derived no benefit from the Bank? If at the end of forty days he should be unable to pay, is the situation worse than it was? If in that case the Bank renews the discount for forty days more, which has usually been done, is not the benefit increased? And if after all, when it will trust him no longer, he apply to usurers, which he must otherwise have done in the first instance, is the Bank to blame? But the man it seems has been unfortunate, and is ruined, which ruin the Bank did delay, but could not prevent.

Now what is the conclusion drawn from these premises, and how is it drawn? Why thus. Misfortune is the cause of loss.

Imprudence is the source of disappointment. Loss and disappointment demand supplies of cash. Usurers exact enormous interest. Bad voyages, wild speculations, mismanagement, and usurious interest, produce ruin. Therefore the Bank must be destroyed. It must be destroyed, because it would not continue to trust men who were no longer trustworthy. Before this objection be repeated, let these men, or at least one of them, be openly named; so that the directors may have an opportunity fairly to combat the charge; and then, if they do not show that the party received every indulgence he had any right to claim, expect, or even hope for, let the charge be established. But until this opportunity be given, let not the voice of slander be heard in the sanctuaries of legislation.

Rely on it, gentlemen, that however calumny may cast the aspersion, no proof will ever be adduced. It might therefore be abandoned to merited contempt. But since such pains have been taken to inculcate a false idea, that the Bank promotes usury, let us recur to facts. Before the establishment of the Bank, usury had been carried to an alarming degree. Men of the greatest property, who happened to be here from the neighboring States, were forced to pay as high as ten per cent for one month's anticipation of their remittances; merchants who met with misfortune were driven to the greatest distress, and the public could not obtain advances upon any terms. Under these circumstances the Bank was instituted; and there are many in this city and elsewhere whom it saved from destruction. The number of usurers and the rate of usury were soon diminished. But as there still remained some objects, whose distresses the Bank could not relieve, *because most of its funds were employed in the public service*, so there still remained some usurers to prey on those distresses. In proportion as the number who want money is increased, or which comes to the same thing, as the means of obtaining money are diminished, in the same proportion will usury abound and flourish. This the usurious know, and therefore they have never intermitted their efforts to destroy the Bank,

as the sure means of increasing and securing their unrighteous gains. Beware then, gentlemen, that you be not dupes to the artifice of such wretches. It is indeed but a slender and despicable artifice; a poor attempt to persuade you, that an institution which lends for one half per cent per month drives folks to borrow at ten per cent. And on this ground they suggest, that the best mode of preventing men from giving ten per cent for a month's use of money, is to disable them from obtaining it on any other terms.

THIRDLY, it is said the dividend on bankstock induces monied men to buy it rather than lend on interest. The object of this assertion is to persuade you, that the difficulty of borrowing money arises merely or chiefly from the Bank, which is not true. For first, it is notorious that few stockholders are of that class, who were in the habit of lending on interest. Such as are foreigners or inhabitants of the neighboring States. and these it is said own half the stock, would not lend their money in Pennsylvania, even if circumstances favored such loans. A considerable part of the remaining half belongs to small stockholders, who would not send their money into the country. And a far more considerable part is the property of merchants, who would be obliged immediately to employ their funds in their own business, if deprived of those facilities which the Bank affords. After making these deductions from the capital of the Bank, the remainder, belonging to those who would and could lend, will be inconsiderable. But such as it is, to whom would it be lent? Not to farmers, who pay interest irregularly, and from whom the principal cannot always be recovered without legal process. No, it would be lent to merchants, and the greater part to such as, through necessity, give more than legal interest. Can it be believed, while usurers get ten per cent per month for the use of money, and pledges in hand for security, that the twenty or thirty thousand dollars, now vested in bankstock, which belong to men not engaged in active business, would be lent on bonds and mortgages for six per cent per annum? It is true

that money cannot be borrowed, and it is also true that the purchase of bankstock is more profitable than lending on interest. But trace the evils complained of to their true sources, and it will be found that they flow from that usury, which has been occasioned by the peculiar circumstances of the times, and from that opposition which has been excited against the Bank. Why is money scarce and not to be borrowed? Why is it so desirable to own bankstock? An answer to these two questions will lead to the solution of a third. How is money to be made more plenty, and to be obtained with more ease?

First, then, why is money scarce and not to be borrowed? It is a melancholy truth, that during the late war many were ruined by payment of their debts in paper greatly depreciated. Some, who received the paper while it was valuable, put it in the loan office. Some purchased land. And some kept it till it was good for nothing. It is evident, that these persons, who before the war were lenders of money, have no money to lend now; and that every shilling so paid and disposed of must be deducted from the sum formerly at interest in Pennsylvania. The remainder of that sum is still in the hands of those, who borrowed it ten years ago, and cannot be lent before it be paid. It may perhaps be said, that some merchants made money during the war. But it will be found that the gainers were few, the losers numerous; and that taking the merchants collectively as a body, they are poorer by millions. The reason therefore why money is not to be borrowed is, that no one has money to lend, and even admitting that there should be a few who can lend, there are none who will; for the following reasons. Those who want are always willing to borrow, but those who owe are not always willing to pay.

If therefore the laws of a country, or the administration of those laws, countenance unreasonable delays of payment, the owners of money, or anything else, will not dispose of their property on credit, unless they be tempted by great interest,

or great profit. And such as disdain usurious dealing will not be tempted at all. A prudent peaceable man would rather buy stock in the British funds, and receive regularly but five per cent, than take a mortgage at six on the best estate in Pennsylvania. Because he may suffer for years a detention of both interest and principal, and because he apprehends some things which have happened already, and may therefore happen again. For instance, he trembles lest a long train of paper emissions, with a legal tender at the tail of them, should cancel his debt for a tenth of the value. He fears also, that a tax on his bond may reduce the precarious interest of six per cent to four, and even oblige him to pay the two per cent tax, though he cannot recover the six per cent interest. Thus we find, on fair investigation, that money is scarce, because, in one way or another it has been taken or withheld from the owners; and that money is not to be borrowed, from a well grounded apprehension that, when due, it will not be repaid.

Let us then, in the second place, inquire why it is so desirable to own bankstock. Three causes present themselves. First, that the dividend gives something more than legal interest, although by extension of the capital, and contraction of the business, it yields less than formerly. Secondly, that this dividend is payable with rigid punctuality at the end of every half year, so that the proprietors can count with certainty on their income to defray their expenses. Thirdly, that in case of unforeseen demands the stockholder can, for legal interest, command a temporary accommodation; and if unfortunate events should oblige him to collect all his resources, he can speedily sell and thereby command the value of the stock. To these three reasons, which strike every person at first sight, must be added a fourth as applying more directly to the charge, that the benefits of bankstock incline men to purchase it rather than lend. After the peace, when the advantages of the Bank had been felt, and the property of stock had become secure, an opposition was raised by some of the same persons

who are now the opposers, but on ground somewhat different. For then, instead of considering a bank as pernicious, it was declared to be so highly beneficial that they must needs have two.

They did indeed complain of the old Bank. But for what? Not because the capital was so large as to threaten general ruin, but because the directors would not open a subscription to make it larger. And what was the modest request of that day? Why truly such an extension of the capital, as might enable those, who had waited for events in perfect ease and safety, to enjoy the same advantages with those who had borne the burthen, and ran the risk of the contest. It was indeed a hard case, that many worthy gentlemen, who would not have given a shilling to save the State, should be obliged either to pay five hundred dollars for a share in a bank which had cost but four, or to lend their money on bond and mortgage to the farmers of Pennsylvania. A very hard case! And so loudly did they complain of it, that at last many sensible members of Assembly were prevailed on to believe it would be a good thing to have two Banks, two shops to go to; for that was the fashionable phrase. And they were the more easily led into this opinion, because it was laid down by some in high station, for whose sentiments they had acquired a habitual respect. But that respect may perhaps be diminished, if those who pronounced decisive judgment two years ago that two banks were necessary, should now as positively pronounce that no bank at all is necessary; and wonderful to relate, go cackling round the country, that one bank is pregnant with ruin to the State. The language of truth is uniform, and these sudden changes of hasty opinion show so great a want of temper and knowledge, that those who really mean the public good will quit such blind guides, and think for themselves. The consequence of the noise made at that time must be well remembered.

The Assembly were plagued with long arguments on both sides, which might as well have been spared, and then all at

thing was hushed up and accommodated. Because the promoters of the new bank as had money found that most of their new friends had none. Because they all found out, that the scheme did not promise so much either as profit or security as was imagined. And because they had not too much confidence in each other, being like Nebuchadnezzar's image composed of discordant materials. They agreed, therefore, to abandon their project, on certain conditions acceded to by the old Bank, one of which was to extend the subscription; and this it is which has converted all the surplus money of the State into bankstock. For otherwise, let the price of a share have risen ever so high, nay had it gone to four thousand instead of four hundred dollars; not one penny would have been added to the bank capital. But in proportion as stock rose, the dividend would have been less valuable, till at length it would have been more profitable to lend at six per cent, than to purchase bankstock. For instance, if the dividend on a share of four hundred dollars had continued to be forty dollars, and the price of such a share had risen to be eight hundred dollars, then the purchaser would have got only five per cent for his money, instead of six.

Thirdly, then, let us inquire how money may be rendered more plenty and easier to be obtained. And first, the surest way to render money plenty is to bear the evils of scarcity. To make it plenty, according to the desire of some, would be as in the continental times to make it no money at all. For when it can be obtained without labor, and found without search, it is of no use to the possessor. Those nice politicians, therefore, who try to make money so plenty that people may get it for nothing, will find that their money is good for nothing. The scarcity constitutes the value. And when that scarcity is such that men will do a great deal for a little, it will become plenty; for those will always have most money, who will give most for it. The complaint that money is scarce is generally made by the idle or the unfortunate; by

those who will not, or those who cannot give anything in exchange for money, except bare promises which they cannot or will not perform.

Now such men would suffer more from the want of cash in Amsterdam or London, where it is most plenty, than in any part of the State of Pennsylvania. If folks are idle they must be relieved by labor, and if poor by charity. Till this be done, the complaint that money is scarce will continue, and though very loud, will not be very just. There was, for instance, a grievous complaint of the want of money at the close of the war; and yet every man who had a bushel of wheat could get eight or nine shillings for it. People in general plunged into extravagance, and laid out their coin for foreign fripperies, and the merchants unable to remit for payment of these things in produce, except on ruinous terms, sent away the coin; so that in two years there has been more money exported from this country, in which a scarcity was then complained of, than is necessary for a circulating medium. The several States are now issuing paper, that what little specie is left may also be exported, instead of the wheat, corn, rice, and tobacco. Flour has long been cheaper in London than in Philadelphia. We buy fine coats, and handsome buckles, and a thousand other handsome fine things in London, and then when called on to pay, though our barns be full of wheat, we will not sell it as formerly for five shillings the bushel, but sit down and cry because money is scarce. The wagon is in the mud, and we beg Hercules to pull it out without putting our own shoulders to the wheel. The Legislature must relieve us, for we will not relieve ourselves. And against what do we want to be relieved? Why against our idleness, extravagance, and folly.

But, secondly, another means of making money plenty is to render it less necessary. For this purpose enforce the punctual payment of debts, so that those who trust can be sure of recovering in season from those, whom they have trusted. This will produce two happy consequences. First, that men

will no longer run in debt for idle gewgaws, which they must pay for with their substance when pay day comes. Executions for debt will then be as wholesome warnings to the extravagant, as executions for crimes are to the profligate. Secondly, a man who wants to buy land or needful goods on credit will then obtain the credit desired. The punctuality of his payments will extend his credit. Those payments will also enable the merchant to comply with his engagements, which will, in like manner, extend his credit at home and abroad. In proportion to the punctuality of remittances, the merchant will get longer credit, and on better terms; and thus money will be plentier because the trading people, who have always a preference in such things, will be relieved from the necessity of borrowing.

Thirdly, another means of making money plenty, is to enforce a collection of taxes, make solid provision for paying the interest of our debts in coin, and introduce order and economy into the administration of affairs. This will restore the public confidence, and then the value of certificates will rise, and the possessors be able to dispose of them for cash. Thousands will thereby be relieved, who are now in great want of money, and under the dire necessity of getting it from usurers, or going to gaol.

Lastly, these plain and simple measures will make money not only plenty but easy to be obtained. Because industry and frugality, which want but little, will thereby be introduced; and we can always command money when we are not in want of it. As to those blades who must forever want, because they spend their time in streets and taverns, and occupy themselves with State affairs, instead of their own affairs, and who dress and feast and will not work, but wish to borrow; let them meet the rebuff given by an old philosopher to one of their predecessors. 'Friend, borrow of thy back and belly, they will never ask thee for the money, but I should be very troublesome.'

A Fourth objection made against the Bank is, that rich foreigners will be induced to become stockholders, so as that all

the property will finally vest in them. This objection has some weight, and, if it be allowed to operate as a bar to measures of public utility, will save a deal of time and trouble to the government,though it may not conduce to the prosperity of the State, and must prove injurious to those by whom it is made. People in general seem now to expect some permanent provision for the interest of the public debts, and if that should happen, foreigners will purchase a considerable share. The Dutch are said to hold about thirty millions sterling in the British funds, bearing an interest of four per cent, and they lent five million guilders to Congress at five per cent, when no funds were provided, and during the war. Hence we may with certainty infer, that they will buy up the certificates bearing six per cent, when placed on a solid footing. Is that a sufficient objection against providing for the public creditors? And if not in one case, why in the other? The practice some men have of affirming today, and denying tomorrow, is neither decent nor becoming. A grievous complaint is made of the want of money, and yet as grievous a complaint of the only means to obtain any. We have it not at home, and we must not receive it from abroad. Do these gentlemen suppose it will rain money now, as it did manna of old? And because they have the same perverseness with the children of Israel, do they expect the same miracles? To experience a want of public credit is, they say, terrible; but to destroy the only means of supporting public credit is, they say, desirable. Let us appeal to facts.

No country on earth enjoys extensive credit which has not a public bank. We have ourselves experienced its good effects, when we were in the greatest distress. And shall we now be told that the Bank must be destroyed, and yet public credit be supported? People who speak in this way show great ignorance, or something worse. They ask how a bank contributes to public credit; and, if no reply be made, think they have gained a victory, when they have puzzled an opponent. For the sake of those who love truth, and not with

any hope of making such men sensible either to shame or conviction, their question shall be answered. The Bank may be likened to that which bears the same name, a bank or dam for collecting the waters. After a head is raised, some part turns the wheels of the mill, and some part waters the adjacent grounds. Take the bank away, and the water will still flow, but not with the same beneficial effect. If revenues were appropriated to the interest of the public debt, and other important objects of government; should any delay take place in collections, a similar delay of payment would also happen. The want of punctuality would lessen the value of stock. And, on the other hand, if collections were more rapid than the payments, much money might be taken out of circulation, and lodged in the public coffers.

The consequence would be, either that commerce must suffer as, at present, for the want of it, or that the State must procure more money than is necessary; which might not be very easy, if we may judge from past experience. But with the aid of a bank, the same stream turns the wheel, and fertilizes the ground, being prudently applied to either purpose as occasion requires. And so the same sum of money will not only supply the business of the merchant and of the State, but the funds proceeding from trade, and those arising from taxes, will, when thrown into the same mass, mutually aid the operations of each, and jointly secure the objects of both. Nor is there the least danger that foreigners will hold even a great proportion of the bankstock. Bankstock will always be most useful for the mercantile man who lives on the spot. Because he, and he alone, can at once receive the dividend, and when occasion requires have, by loan for a short time, the use of his money; so that he will naturally outbid the foreigner. And as the object of the foreigner must be to secure a certain annual income from his funds, make but the interest of the public debt as regular and safe as the bank dividend, which by means of the Bank is easily done, and the foreigner will as naturally wish to exchange his bankstock for an amount

of funded loan office certificates yielding more annual interest, as the merchant will to exchange such an amount of certificates for bankstock. And so far from any danger to the State, by the interest of foreigners in their funds, there is a great security. Every foreign creditor is an advocate for us with his own government, in times of public calamity, and is induced to lend more as the means of securing what has been already lent; especially if he has been regularly paid the interest of his capital.

The FIFTH objection against the Bank is, that the payment of the dividend to foreigners will be a drain of specie from the country. This has already been answered in part; but farther, a man who has bought a piece of ground wants to borrow money for the purpose of clearing, fencing, draining, and cultivating it. He would not relish the advice of a neighbor, who might tell him not to borrow, lest the payment of interest should drain him of cash. He might indeed be glad to get the money at a low interest, or for no interest, but he would certainly get it if he could; and by industrious attention, and a prudent application of it, he would pay both principal and interest from the profits of his farm. And thus by degrees, a wilderness is converted into beautiful cultivation. From the discovery of America to the present hour, we have been paying interest for what we owe on the other side of the Atlantic. Our debt and our prosperity have gone hand in hand. And yet when people now complain of the difficulty of borrowing money, they must be told it is for their advantage not to obtain the principal, because they will not, in that case, be obliged to pay the interest. If a farmer in Pennsylvania has to pay annually five pounds for the use of a hundred pounds borrowed, is it of any consequence to him whether the lender lives in Philadelphia, New York, Boston, London, or Amsterdam? Twenty bushels of wheat will do the business. And when he has parted with them, whether they are eaten in Philadelphia, or sent to Lisbon, is none of his affair. On the large scale, indeed, it might be convenient that wealthy

men should cross the Atlantic to become citizens of Pennsylvania; and so they will, if equal just laws, and a mild firm administration give that security to property, without which it is a curse instead of a blessing. But if bad laws be made, or the good laws be badly executed, and if solid establishments can be overturned by every capricious breath, the wise and the good will avoid us as they would the pestilence. Then indeed there will be a constant drain of wealth, for none will leave property in a country where it is insecure.

But farther, though we admit that borrowing does every year carry a sum out of the country for payment of interest, it will not follow that the country is impoverished by the amount of that sum. When a farmer wants necessaries, and has not cash, he must either take them on trust, or borrow money on interest. Everybody knows that the difference between buying with ready money, and buying on credit, is much greater than the interest on the price of the goods, and therefore it is cheaper for the farmer to borrow, than to run in debt at the store. Just so it is with the country. Most of the articles we want, when purchased at the first hand, must be immediately paid for; and when merchants abroad lay out their cash to buy goods, and after, sell them to us on credit, we pay, in the price of such goods, not only an interest on the purchase money, but for the trouble foreign merchants take, and the risk they run. To all this is added a handsome commission, and then a round profit into the bargain. Thus, for instance, since it has been the practice to buy tea with cash at the first hand, we get that article for nearly one half of what it used to cost. Let any man therefore calculate the difference between paying fifty pound per annum, instead of a hundred, in price, and six per cent, or even ten per cent per annum, for interest on the fifty, and he will be convinced that we are recompensed five fold for the dividend paid abroad.

On the whole, the matter stands thus. The merchant whose business it is, and who must for that reason be the best judge, tells you that the advance of money by foreigners for

bankstock, and the facility which the Bank can thereby give to commercial operations, enable him to carry on business more advantageously, though he sells imported commodities lower, and buys produce higher, than before the war. The farmer, who perhaps neither comprehends nor cares for the reasons on which this assertion may be founded, prudently brings it to the test of experience. The tree, says he, is known by its fruits. Let me examine the facts. He does so, and finds that most of the articles imported can be purchased for much less than formerly, and that he can get half as much again for his wheat. So that duties properly laid on articles, the consumption of which is chiefly unnecessary, and sometimes pernicious, would pay the interest of the public debts, and not cost the consumer more than before the war. Thus, without imposing new burthens, full relief may be given to the public creditors, and they be thereby enabled more cheerfully and more easily to sustain their share of such burthens, as circumstances may hereafter require. All which advantages we must, it seems, forego, and preclude ourselves from the possibility of establishing public credit, lest foreigners should derive an interest on lending us money. Overturn the Bank, say they, and perhaps you may get a little of their money. Kill the goose that lays golden eggs, and you may wear her feathers.

SIXTHLY, it has been said that the Bank facilitates the exportation of specie. Of all the charges in the world, this is the last which one would have expected. The operations of the Bank depend, as every body knows, on the quantity of specie in its vaults. When that is gone, the Bank is done, just as the mill stands still when the pond is dry. And therefore to suppose the directors would facilitate the exportation of coin, is the most absurd of all suppositions. Truth is, the directors of the Bank are extremely solicitous to prevent the exportation of coin, and happily for the State have the means in their power. The bank capital is about a million of dollars, part of which is in their vaults, and the remainder lent for short periods. The amount of their loans is supposed to be

twice as much as their capital. A part of the sum lent is in bank notes, the remainder in coin. Now, therefore, when the directors find that cash is exported, which they do at once, by perceiving that any considerable sum goes out of the Bank in a week more than is received, they are not merely led by inclination, but driven by necessity, to lessen or to stop their discounts, according to the nature of the case and the degree of the evil. This stoppage has the effect, for not only the money is prevented from going abroad, but if the stoppage continue, it is brought in from every quarter. The operation is so powerful, that on one occasion many thousand dollars were brought to the Bank, and there taken out of those packages in which they were, next morning, to have been shipped to London.

In this place it may be proper to notice the strange opinion, that in the present state of trade a bank is injurious. This opinion seems to have been founded on the idea, that because money is collected in the Bank, it may easily be taken out of the Bank. And so indeed it might by an armed force, but those who have tried the experiment in any other way, have been disappointed. The money is collected in bank, it is true, but how is a man to get it out? Either he must sell property for the purpose, and then it is of no consequence whether the payment comes out of the Bank, or out of the Treasury, or where it comes from. The owner may dispose of it as he thinks meet; and we might as well say, that David Rittenhouse facilitates the exportation of money, when he pays for arms or clothing to a merchant who sends it to Europe, as lay that blame on the Bank. The other mode of getting at money in bank, is by borrowing for the short period of forty days, and if the borrower ships it off, he will be obliged, when the forty days expire, to hunt for it, and will sometimes pay dearly for his trick. Perhaps it will be found on examination that some of those, who complain of being driven to deal with usurers, had been dabbling in this way, and proved too cunning for themselves, as cunning men generally do.

So far is the Bank from being injurious to the present state of trade, that the converse of the proposition is true, viz. that the present state of trade is injurious to the Bank. And it would have been ruinous to the commonwealth, but for the seasonable checks given by the Bank, which checks are among the causes of the present complaints. They say the Bank facilitates the exportation of coin, and that therefore they complain; but in truth the Bank prevented them from exporting the coin, and therefore they complain. While a man spends more than he earns, his coin must go to pay the difference, and he will have less of it when the year ends than when it began. Just so it is with a country. We import great quantities of goods; we either cannot or will not give produce on moderate terms to pay for them, and yet we grumble that our cash runs low. We will not acknowledge our own imprudence, but accuse the Bank, which has alone resisted the general torrent; by which means Pennsylvania is better off than any of the neighboring States.

A SEVENTH objection against the Bank is, that it injures the circulation of bills of credit. This is a popular argument, and therefore it is made. But as to the truth of the assertion, the authors do not trouble their heads about it.

Their maxim is, let us lay it on, and let them take it off as they can. Some will stick. Suppose this kind of morality were extended a little, and when these charitable kind hearted people walk the streets, one of their proselytes should bedaub them with the contents of the kennel, hugging himself in the idea *that some will stick*, would they not find the practice of their own principles rather unpleasant? Pray how has the Bank injured the circulation of paper money? Why the paper is not received in bank as specie. And did ever any man suppose it would, or could be so received? If it had, would not the directors have been guilty of an infamous breach of trust? Could they have excused themselves to those of whose specie they had the custody? The Bank might indeed have given currency to the bills, as long as their coin lasted, by ex-

changing one for the other; and no one can doubt that in this case the coin would, as fast as exchanged, have been packed up and sent to our good friends and favorites in London. Under such circumstances, those candid gentlemen who prayed and voted for paper currency, and afterwards refused to receive it, would perhaps have played their patriotic game quite through. And we may reasonably suppose too, that when the coffers of the Bank were filled with their emissions, they would have found as good reasons to abolish the paper, as they now do to abolish the Bank. If a refusal to give money for bills of credit be an injury, what shall be said for those who, though patrons of the plan, would neither give money nor anything else for the bills? It would be difficult to make an apology, if the generality of the refusal were not a sufficient reason for each individual.

Let us then be candid, and far from reprehending the practice, calmly seek the cause. Paper can only circulate on a par with specie, from a general belief that it is equal to specie. The faith makes the thing. If there be not such a general belief, it cannot be equal to coin, because it will not so generally answer the purpose. The holder may think, as in the continental times, that his three pound bill is worth eight dollars, and be very angry that his neighbor is not of the same opinion. But unless he can persuade the person whose goods he wants, that the paper is really equal to the silver, his own conviction will be of small avail. Admitting then, for argument's sake, that every merchant in Philadelphia did really and truly believe the new bills to be worth what they specify; still they could do nothing with them, unless the farmers, whose produce they want to purchase, had the same belief, and would sell that produce for paper as freely as for gold. Because the merchants being either in debt, or wanting to purchase goods in foreign countries, can make no other use of the paper than to buy such things as may be sent abroad. And further, they must be able to buy not only such things, but at such prices, as may answer in foreign markets. If,

therefore, the country gentlemen will agree to sell wheat for five shillings the bushel in paper money, merchants will be as solicitous to receive, as they are now to avoid paper. But while produce continues at the present prices, wise merchants will not sell but for specie, which they can export safely, because they must lose by sending away produce; a practice which some have pursued to their ruin.

Having thus hinted at the true means to give paper a brisk and lively circulation, candor requires that a few words be said in favor of the landed interest, on whom the blame might otherwise be thrown. Supposing, therefore, the charge to be made against an honest farmer, he would perhaps make the following reply. How can it be expected, that I should repose confidence in a government, who for eight years past have been the victim of that confidence? A piece of my land was sold for continental bills; these are all sunk in the gulf of depreciation. Part of my property was seized by officers of Congress, and part was sold to officers of the State. For all this I have nothing but useless certificates. When everybody had grown sick of the old money, Congress issued new, and though experience was against the measure, yet relying on their wisdom, I took the new bills cheerfully; but found, to my sorrow, that the new travelled in the same road with the old, and the only difference was that they travelled faster. The bills issued about that time, by the State, had what they call funds for redemption, but they soon fell to six for one. I have observed too, that when these bills become of little value, the government joins in and agrees to the depreciation; so that every one who receives them is sure to suffer in the end. Now, therefore, until I have eight years' experience that government may safely be trusted, I cannot forego the benefit of that experience, which I have bought so dear. By trusting government, one half my substance is gone; the other half must be kept to provide for my family.

These reasons, or reasons like these, are not confined to any one body of men, either merchants, husbandmen, or manufac-

turers. They pervade all ranks and degrees. The citizens of Pennsylvania will not give free circulation to the State paper, because they have not confidence in the government. We know that confidence cannot otherwise be established, than by the steady pursuit of just measures, for a number of years. It is selfevident and every man must feel as well as see it. Every man therefore can judge of the excellent sense of those, who cry, down with the Bank, if you could give circulation to the bills. Break a promise made three years ago, by way of inducing men to rely on the promise you make now.

But EIGHTHLY, it is said that the wealth and influence of the Bank may become dangerous to the government. It is a political monster whose property may be ten millions of dollars, whose duration is perpetual. These circumstances are so terrible, that some are for putting the poor monster to instant death, while others in their great goodness would only give him a hectic, which should work his dissolution in a dozen years. Of each in turn, but first of those who would limit the duration of the Bank to a few years, and limit the capital to what suits their own ideas of propriety. These are really the worst of the two, for their half way conduct would be every way wrong. Such a law would be as unjust, and have every essential circumstance of violence, as the immediate dissolution of the charter. And however they may deceive themselves into an opinion of their own lenity, not a man among them would either as juryman or judge admit it to be a good defence against a charge of murder, that the act had been performed by a slow poison. Public credit must suffer alike in both cases, for in both the rights of private property will be alike violated.

What then are the advantages held out? Why it seems, that if the charter be limited to a short period, the legislature can, at the expiration, renew it on such terms and conditions as may to them seem meet. And these terms or conditions must of course be some benefit to the commonwealth, which could not otherwise have been obtained. And to prove these things,

the Bank of England is quoted. But the choice of an example is rather unlucky, for that limitation of their charter, which one cunning Minister introduced, other cunning Ministers have at different times taken advantage of, till at last all the substance of the Bank has been squeezed out. And for what purpose? Was it to open navigations? To clear new roads? To extend a lucrative commerce? No, it was to support the power of the Minister for the time being, and feed the expense of those ruinous wars, which the people would not otherwise have borne. Standing then on the ground of their experience, let us look forward to the probable consequence of such a limitation in Pennsylvania. Suppose the period arrived when the charter is to expire. Is it certain the State would then want aid from the Bank? If not, the object of the limitation is gone. But even supposing the State should stand in need, what temptation could they offer to obtain relief? Not a prolongation of the charter, because the supposition implies a breach of the contract made when the Bank was first instituted, and therefore no reliance could be placed on any subsequent contract. For if the Bank should lend to the government, then the canceling of that debt would be an additional motive for dissolving the Bank.

Nor is this suspicion injurious, for one act of moral turpitude is always the prelude of another. But admitting that the Bank would purchase a few year's existence; from whom would the purchase be made, and for what price? The directors of that day would naturally cast their eyes on the leading members in Assembly, and open the negociation with them. Men of great wealth and influence, should any such arise, would make use of the Bank to extend and increase their authority. They would watch this moment to obtain seats in Assembly. And if a majority could be prevailed on to vote with such leaders, the purchase would be made of them, and the price would be some private gain, and not the public good. In like manner, if the capital be limited, it is not the State, but great men in the State would receive the benefit of an enlargement. And why

should the capital be limited within narrower bounds than at present? It is notorious that if the directors had not been under compulsion, they would not have extended the subscription beyond the first four hundred thousand dollars.

It is notorious also, that every addition to the number of shares lessens the value of each. And therefore we have the best security in the world, the interest of the proprietors themselves, against an increase of the capital. In like manner there is every reason to believe that the Bank will continue to afford that aid to government, which has never yet been withheld when it could with propriety be granted. And if they should extend their capital, a thing so contrary to their interest, it can only be on some trying occasion, to support the government of which they are citizens, and preserve the ship in which all are embarked. The charter being held sacred, as chartered rights ought ever to be, applications for aid by the State will be plain and manly transactions, not dirty jobs. The Bank will candidly state their means, the extent to which they are willing to go, and the security they are willing to accept. They will perhaps, on such an occasion, point out the ill treatment they have received, when funds appropriated by the Assembly to payment of a former loan were diverted to another object; and in their quality of citizens, as well as that of directors, they will perhaps go a little farther, and state with becoming firmness the dangers, which must ensue if any individual shall dare to alter appropriations of public money made by legislative authority. But surely this can do no harm. Calm reflection will therefore convince a candid man, that the wealth and influence of the Bank can only become dangerous to the State, by laying it at the mercy of great men in the State. For it is utterly inconceivable that four or five hundred stockholders, of all ranks, parties, and denominations, should join in choosing directors who would attempt to overturn the government. On the contrary it is a truth vouched by uniform experience, from the earliest ages, that the monied interest of a country will ever oppose, check, and counteract all changes

and convulsions of government; because that interest is sure to be the victim of confusion and disorder. This last consideration applies forcibly also to the arguments of those, who would now dissolve the charter.

Let them further consider, that the business of banking is not, of necessity, to be carried on by public banks alone. One or more individuals may form a banking company, whose operations will be extensive and lucrative, in proportion to the degree and extent of their credit and connexions. Over such a bank, or such banks, there can be no control. The citizens of Philadelphia will have no vote in choosing directors, nor will any person be particularly interested in observing their conduct. Dissolve the National Bank in March, and by the first day of May a private bank will rise on its ruins. The merchants of Philadelphia will pour in their coin, with as much confidence as they now do into the National Bank; and experience has so clearly shown the advantage of such an institution, they will not, cannot be without it. If therefore the enemies of the Bank will look around, and see who are the men that will probably set up such a private bank, it may do more towards bringing them to a right judgment, than the most conclusive arguments.

The NINTH objection is, that the directors can obtain unfair advantages in trade for themselves and their friends. And it must be owned, that there is some force in this objection. But it cannot be alleged that the supposed advantages are unfair. Some advantages are necessarily attendant on the place of a director, and some inconveniences are as necessarily the appendages.

It is not possible that things should be otherwise, and the only check is in the annual election, by which the stockholders have an opportunity of testifying their sense of each director's conduct. This will always prevent any great mischief. For the Bank being an institution in which the money of many acts for the benefit of all, by being jointly applied to each in his turn, every stockholder is a sentinel, bound by his private in-

terest to discover unfair practices, and sound the alarm, when undue advantages are obtained, because the preference of one must operate the exclusion of another. After all, however, we must acknowledge, that this evil will in some degree prevail, for we know that nothing on earth is perfect. But must we forego a great advantage to all, because a greater advantage will result to a few? We might as well object to the existence of government, because it must be administered by fallible men, and confer on them superior eminence and authority, or to the use of money, because it is sometimes applied to vile purposes, as object to a money government or bank, because the labors of a director are compensated, or more than compensated, by commercial advantages.

Lastly, then, let us consider whether the Bank be destructive of that equality, which ought to take place in a free country. And the first question is, whether by equality is meant equality of property, or equality of rights. If it be the former, then it may perhaps be doubted whether the opposers of the Bank would themselves agree to an equality, that is to say, a general division of property among all the citizens of Pennsylvania. This might suit eight or ten thousand gentlemen, who came over last year from Ireland and Germany to give us the honor of their good company. But will the substantial freeholder, or wealthy mechanic be willing to pay for that good company such an exorbitant price? We have in general, it must be confessed, been ready enough to give a preference to strangers over our own brethren and countrymen, but there is reason in everything. If an equality of rights be meant, then the objection vanishes, for any man may purchase the right of a stockholder in the Bank for less money, than he can purchase a farm, even in the back counties. So that he may be a stockholder on easier terms than he can be a freeholder. And if it suits one man to be a stockholder, and the other to be a freeholder, neither ought to grumble at the right or possessions of the other. But if, which is most likely, the objectors mean here, under a plausible cry raised about

equal rights, to cover the dictates of envy at superior fortune and success in the world, then they had best consider again, whether by overturning the public Bank they would not assist in setting up a private bank. And whether such private bank would not bring very great accessions of wealth to those, whom they particularly dislike.

You, gentlemen of the Assembly, who are the guardians of Pensylvannia, and bound by every principle which can actuate honest men to promote her welfare and prosperity, it is with you to consider this great object in all its lights. The objections raised will doubtless be varied. The answers given will certainly be disputed. Perhaps the arguments in support of the Bank are not so strong as the advocates believe. One thing however is certain, that consequences of the last importance to your constituents must follow from your decision. If therefore the event be doubtful, nay if the destruction of this charter should not be absolutely necessary, pause a moment and consider most deeply what you are about to do. How can we hope for public peace and national prosperity, if the faith of government so solemnly pledged can be so suddenly violated? If private property can be so lightly infringed? Destroy this prop, which once gave us support, and where will you turn in the hour of distress? To whom will you look for succor? By what promises or vows can you hope to obtain confidence? This hour of distress will come. It comes to all, and the moment of affliction is known to Him alone, whose divine providence exalts or depresses states and kingdoms. Not by the blind dictates of arbitrary will. Not by a tyrannous and despotic mandate. But in proportion to their obedience or disobedience of his just and holy laws. It is he who commands us that we abstain from wrong. It is he who tells us, '*do unto others as ye would that they should do unto you.*'

OBSERVATIONS

ON THE

FINANCES OF THE UNITED STATES,

IN THE YEAR

1789.

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In a letter from the author to Robert Morris, dated Paris, May 8th, 1789, is the following paragraph.—'Enclosed you have a paper marked *American Finances*, which is partly the result of my maritime meditations; but I incline to think, that you would not have been troubled with them, if circumstances had not retraced the ideas since my arrival. In effect, it has frequently happened, that, while sitting with Mr Jefferson, our conversation turned on that subject. He, who also feels ardently for the welfare of America, induced me, without intending it, to make the sketch above mentioned. I afterwards showed it to him, and his approbation has given me a better opinion of it than I had before, and very probably much better than it deserves. Such as it is, however, I now commit it to a friend, who has, I know, the same fervent zeal for the prosperity of the Union, which warms my heart. If it should be in the smallest degree useful, my wishes are satisfied, and my labor is doubly and trebly repaid.'—It will be seen, that this paper goes upon the plan of a direct tax, combined with a duty on imports.

The establishment of a new Constitution in America, while it raises the hopes of all true friends to liberty, cannot remove the apprehensions of many, who are intimately acquainted with the affairs of the United States. Those gentlemen, there-

fore, who are called to act a part on that first great theatre of American legislation, to which the eyes of all are directed with expectation and anxiety, will feel the importance of the duties they are to perform, and, impressed with such feelings, they will not perhaps withhold a moment's attention to the ideas of an individual, who has no other claim to their notice, than a zeal for the public welfare.

Among the subjects, which must occupy the deliberations of Congress, those of Finance will demand a principal share. To make effectual provision for the foreign debts, and for those which are due to their fellow citizens, to obtain the sums requisite for current service, to establish on a firm basis the national credit, these are objects which must contribute to reputation abroad, tranquillity at home, security everywhere. All will agree in the propriety of revenue for these important purposes, and so long as the government shall confine itself to general theoretic propositions, universal assent may be expected, but the instant any step is taken towards the necessary end, opposition from some quarter or other will certainly arise; and although the progress towards that end must not be retarded by slight obstacles, yet some may be encountered, which cannot be surmounted, and which ought therefore to be avoided.

The national treasury has an exclusive right to all duties and imposts on commerce, but the commercial States have already laid duties, and incorporated them into their domestic systems of revenue and administration. Some have appropriated them as a fund for payment of the State debts, others, to the discharge of debts due by the Union, which they have adopted. If then these revenues be taken from the States, without any provision for their relief, it would excite disgust among many friends of the new Constitution, and furnish weapons to its enemies. A plausible pretext would be given for opposition to such of the State Legislatures as are inclined to oppose. They would excuse whatever systems they might adopt, upon the ground of necessity, and thus every vice in

such systems would adroitly be charged to the account of Congress.

There is a concurrent jurisdiction, respecting internal or direct taxes, but each of the States has laid hold of that, which accords best with the prejudices of its citizens, and is consequently least repugnant to their feelings. Hence the needful resort to this species of revenue will either increase the burthen upon those things which now bear it, or falling on new objects excite apprehension, perhaps disgust, and even opposition. It is the vice of direct taxation, that collectors ask money from those who generally speaking have none to give, and the payment being involuntary produces complaint. But while there exists a party disposed to propagate and magnify every ground of disgust and disaffection, a more than usual degree of caution becomes needful on the part of government.

Another great difficulty arises from the extent and variety of the United States. These render it almost impracticable to tax them equally, because the same sum drawn from like objects in different places would not be proportionate to their respective value. And even if it would, there is a further inconvenience, which arises from the necessity of apportioning direct taxes in a manner fixed by the Constitution. This, which seems to force the Congress into requisitions, leads thereby to perpetuate that ineffective system, whose result will always be a grievous disappointment, and thence much disorder in the finances, and thence national impotence and extravagance.

A difficulty of another kind and of no little magnitude arises from that want of confidence in the government, which so long and and so generally prevailed. It is a truth not perhaps sufficiently attended to, that the loss of credit always involves a loss of authority. How indeed can it be otherwise, since both are founded on opinion? That sudden, prompt, and as it were joyful obedience, which is the offspring of respectful confidence, cannot be hoped for in the first moment. The operations, therefore, will be heavy, and those

speculations in the public funds, which have drawn the money from commerce, husbandry and the arts, to a business lucrative to individuals, but destructive to the community, will increase the natural difficulty of collecting taxes in America. It must not be forgotten also, that the want of a ratio for apportioning taxes, and adjusting old accounts between Congress and the States, may be seriously felt.

Thus the difficulties arise, present themselves, and demand deliberate attention. To obviate them, let us suppose first, that all accounts with the States be settled without any view to the various contributions demanded. That every sum paid into the public treasury, or value supplied, with the interest, be carried to their respective credits, and the balances which may be due to each, after deducting the payments or advances made to them, be constituted a debt from the Union to the States, bearing interest at six per cent. This would quiet all clamor and heart-burning about quotas and proportions for the past, and it would become a fund from which the States would not only pay the principal and interest of debts due to their particular creditors, but provide also for the administration of their own internal affairs, without the necessity of imposing taxes for either purpose. Consequently all the sources of revenue would at once be laid open to Congress without impeachment. The means of paying this debt to the States will come into contemplation hereafter.

Suppose, secondly, that duties were laid similar to those, which Congress called for in the spring of 1783. It is needless to inquire here whether any alterations therein would be prudent, whether salt would be a proper article to be added, and the like, for everything of that sort is mere matter of arrangement, to be adjusted in consequence of conversation and reflection among the different Representatives, who will doubtless adopt what appears best at present, and make such amendments hereafter as experience m[illegible]. It seems, however, to be an opinion bo[illegible] gene[illegible] well founded, that these duties would p[illegible] and

half to two millions of dollars. In order then to establish the public credit abroad, a loan might be opened in Europe for payment of the debts to France, to Spain, to foreign officers, and to the Farmers General, as also for various contingent matters, which will occur in the course of the investigation. These objects would require a sum, which, together with the present loans in Holland, may be stated at about twelve millions of dollars, the interest of which at five per cent would be six hundred thousand; consequently the duties would leave about a million surplus. But instead of appropriating a specific sum of these duties to such loans, it might be best to appropriate the whole, declaring that the surplus should be carried to the aggregate fund. The terms and the manner of such loans, with many other details, are matters of administration, which will be considered presently. It is from the surplus of these loans, after paying the various demands abroad, that the current expense of the war should be taken, because the taxes to be imposed for that object cannot be productive until a future period. But besides the current expense, it is probable that there will still remain a surplus, which may be usefully applied towards establishing the public credit, by taking up some of these unrepresented effects, which now float about the continent, and will, so long as they exist in their present depreciated state, impair confidence and prevent domestic anticipations. But this also is a matter of administration.

Suppose, thirdly, that a general tax were laid of one twentieth of the produce payable in kind, but redeemable by the taxable at one half of the value at the place of delivery. A thousand objections rise at once, and yet the idea may merit consideration. There are circumstances, which render a measure of this sort more applicable to America, than to any other country. Let it then be examined, premising that the surplus, if any, beyond the contribution of the State, as fixed by the Constitution, is to be paid into the State Treasury. Hence it results that the State Legislature may safely and usefully be entrusted with various matters of internal administration,

which relate to it. Thus, there can be no danger in leaving them to enumerate the objects on which the tax is to fall, and to fix the value of each; for if by defective enumeration, or valuation, the sum prove deficient, Congress may increase the ratio of demand, or lessen the redemption price. And leaving the enumeration to the States, enables each to give indirectly a protection to the cultivation or manufacture, which it may wish to introduce.

In like manner the States can have no inducement, by fixing too few or too many places of delivery, either to burthen the people or to increase the expense of collection; for it is understood that each taxable person should deliver at the place of delivery the proportion allotted to him either in articles or cash. They would have every reason to provide that the collectors and receivers should sell and dispose of the articles at the best price, and therefore as the receivers should be appointed by the Union, with authority to appoint the collectors within their respective districts, and the whole expense of collection should be paid by a certain commission on the amount the States might be entrusted with, making many regulations respecting their conduct, they would naturally watch that conduct with a useful jealousy. The States might also be entrusted, at least in the first instance, with determining in what mode the share of each taxable should be ascertained. The estimation ought to be, and probably would be, the just value of each article at the place of delivery, and as the individual could commute it for one half of that value, the payment would generally speaking be in money. For this is an inverse progress to the plan which has usually been pursued, of laying taxes in money, and making them payable in produce above its value, which always brings in produce instead of money.

A tax of this sort would be perfectly just, and seldom or ever oppressive; for a good crop can bear a large tax, and when the crop fails the tax is avoided. Every day's experience would meliorate the collection, and thereby render it both more productive and less burthensome. The circumstance of

having receivers and collectors of the Union throughout the country, would be no serious objection, although it might at first furnish a topic of declamation to many unfriendly dispositions. It would, certainly, tend to procure for the Union better lights, than they now possess, and these persons would always be at hand to explain the operations of Congress, so as to avoid this representation and consequent disaffection. By this means also the collection of taxes might go on for the ensuing year, at the same time with the enumeration of the people, and the one would be completed in season to regulate the other.

The appropriation of this tax might be first to the current service; but in this place it is proper to observe, that the civil list might be paid by taxes on legal proceedings in the national courts, and from the post office, so that those, who derive the immediate and evident benefit from government, would immediately and evidently contribute to its support. The military and naval establishments, with what relates to them, would by this means be first in the appropriation of the direct tax. And therefore these important services would certainly be provided for.

The second appropriation might be to pay the interest of the debt above mentioned from the union to the several States. This circumstance would greatly facilitate and accelerate the collection. The balance, if any, might go to the aggregate fund.

Lastly, this aggregate fund, which should contain the remainder of all receipts, whether ordinary or extraordinary, ought to be chargeable with the interest of the domestic debt, and the balance, after deducting contingent expenses, should be applied as a sinking fund, in discharge of the public debts generally. The mode of this application is also an object of administration. But it may not be amiss to observe here, that in proportion as the public debt shall be lessened, and by the extension of commerce the public revenue increased, a part of the duties may be applied to the construction and support of a Navy, for the protection of that commerce on which it depends.

Success in matters of administration must depend on the powers and abilities of the administrators to take advantage of circumstances as they arise, and use them for the public benefit. But setting aside all question as to integrity, and notwithstanding the good effect of ministerial responsibility, the conciliation of public confidence is so important, that it will always be wise to guard in such manner against abuses, as that the public mind may be tranquillized. On no subject perhaps can it be more needful to take precautions of this sort, than on that of finance both for the public security and for the reputation of the Ministers. It might therefore be wise to provide, that the terms on which loans are to be made, and the manner of making them, should be discussed and decided on, not only by the officers of the Finance department, but by the President and the other principal officers of State, such as the Secretary at War, and of Foreign Affairs. These taken together might be very safely entrusted with the appropriation of the revenue to purposes generally described in the law, and as their determinations would be secret, the public would derive every advantage of wisdom, activity, and integrity from such an arrangement. And in the same view of this great subject it occurs, that as some matters must, after all possible care in the framing of instructions, be left to the discretion of the agent or Minister employed in Europe, it would not perhaps be quite useless to direct, that in affairs of major importance, he should consult with the other public Ministers abroad. But as this is more properly within the purview of the Administration, than of the Legislature, the idea shall not be pursued.

The absorption of those unfunded effects, which are at present in circulation, appears to be a measure of indispensable necessity to the establishment of public credit, but the ways and means are not very evident. To purchase them up might be well, when funds are at command for that purpose, but a formal act of the Legislature to that effect would defeat itself, and at the same time be charged by some with injustice, which

charge, whether well or ill founded, will always be both unpleasant and injurious. To receive them on loan would increase the public debt considerably, and prove of but little relief to the holders, who having only small sums would be obliged to sell to those who have money, and who would by that means profit considerably by their dispersed and indigent situation. Perhaps it might be well to make them receivable in the direct taxes, at the rate of one half the amount annually for two years, and the administration above mentioned under general powers might in the mean time apply the surplus of any loans abroad, and also the effects of any anticipations which would be obtained, in purchasing them up, which, after a provision made for them, would be a justifiable procedure. Every saving resulting therefrom would be felt within two years at farthest, and the taking of them out of circulation would be felt immediately. To prevent, at the same time, any material defecit of the revenue, the estimates for the service of the first two years should bear, each, one half of this unfunded debt, and afterwards a like amount might be carried annually to the head of Marine, and thus this operation would only postpone for a little time the naval establishments of the United States.

A third object of administration is mentioned above, viz. the application of a sinking fund to the discharge of the public debts. Perhaps America offers the fairest field for this business of any country on earth, especially if the above hints should be converted into any regular plan. The debt due by the States would in such case be represented by a debt due to them from the Union. Every purchase therefore of stock from the State creditors would enable a set off by the Union in alleviation of its debt to the State, and as the only revenue which would prove deficient would be that, which this last debt would be founded upon, and as this deficiency could only arise from the neglect of the States themselves, the Administration of the Union would on every principle be justifiable in beginning their operations at that end.

From looking back on this sketch, a general and consoling idea arises, viz. that the people of the United States by paying to the public treasury one fortieth of the annual produce of their property and their industry, and by allowing one shilling on the pound on their consumption of foreign productions, which is in effect a bounty on domestic manufactures, would establish their credit on the most solid foundation, bind their union by the most indissoluble ties, quiet the apprehensions by which they have so long been agitated, and secure, as far as human prudence can do it, the future enjoyment of freedom and happiness.

OBSERVATIONS

ON THE

FINANCES OF THE UNITED STATES,

IN 1789.

In a letter from the author to Robert Morris, dated Paris, May 8th, 1789, is the following paragraph.—'Enclosed you have a paper marked *American Finances*, which is partly the result of my maritime meditations; but I incline to think, that you would not have been troubled with them, if circumstances had not retraced the ideas since my arrival. In effect, it has frequently happened, that, while sitting with Mr Jefferson, our conversation turned on that subject. He, who also feels ardently for the welfare of America, induced me, without intending it, to make the sketch above mentioned. I afterwards showed it to him, and his approbation has given me a better opinion of it than I had before, and very probably much better than it deserves. Such as it is, however, I now commit it to a friend, who has, I know, the same fervent zeal for the prosperity of the Union, which warms my heart. If it should be in the smallest degree useful, my wishes are satisfied, and my labor is doubly and trebly repaid.'—It will be seen, that this paper goes upon the plan of a direct tax, combined with a duty on imports.

The establishment of a new Constitution in America, while it raises the hopes of all true friends to liberty, cannot remove the apprehensions of many, who are intimately acquainted with the affairs of the United States. Those gentlemen, there-

NOTES

ON THE

FORM OF A CONSTITUTION

FOR

FRANCE.

THE date of this paper has not been ascertained. The only copy, which has been found, is in the French language and in Mr Morris's handwriting, with the following endorsement on the envelope,—'*Notes on a Form of a Constitution for France.*' It was probably written before the 14th of September, 1791, when the first Constitution of France was accepted by the King. The translation has been made for the present work.

I. PRINCIPLES.

The government of a nation should be constructed and administered so as to procure for it the greatest possible good.

The first duty of every State, as well as of every individual, is to provide for self preservation.

Treaties made between nations ought to have in each a sovereign authority, otherwise war could never be terminated except by conquest.

The tranquillity and liberty of nations can only be sustained upon the basis of justice.

The position of a State, its climate, the extent of its territo-

ry and the habits and manners of its citizens, have an influence in determining the proper form of government.

The form of the French government is monarchical, and imperious circumstances demand its preservation.

Monarchies should be hereditary, because an elective monarchy is incompatible with order and liberty.

The vigor of the executive power should be proportioned to the external dangers, to the extent of the empire, and to the circumstances resulting from its commerce, from its riches, from the inequality in the distribution of wealth, and from the luxury thence arising.

In order to preserve the integrity of the executive power, it is necessary that the chief should be an integral part of the legislature.

It is essential to the free exercise of the executive power, that the chief be inviolable, but it is likewise essential to the rights and interests of the citizens, that his agents be responsible for his conduct.

It is important to distribute the power in a State, so that all persons entrusted with it be interested to discharge their duties.

The necessary extent of the executive power and the inviobility of an hereditary chief, require precautions against abuse which might result therefrom.

It is requisite then to form a legislative body, whose members shall be specially interested in the maintenance of the established order of things.

Such a body should be protected against all temptation, as well as against all violence, consequently its members should be immovable and even hereditary.

Such a body should possess only moral powers, and that it may be able to resist authority on the one hand, and license on the other, it is proper to invest it with all the power of opinion.

To preserve to the people public liberty, to guaranty their civil rights, to watch over the administration of their affairs, and

to control great criminals, the nation should be represented in the legislature.

None should be represented, however, except citizens, whose age gives assurance of mature judgment, whose condition guaranties moral independence, and whose connexions insure their attachment to their country.

The right of suffrage, like every other, ought to depend only on general rules; it is proper therefore to establish these on principles in accordance with good morals and social order.

That the representatives may express imperatively the national will, it is proper to constitute them a separate body.

Imposts bear upon the mass of the citizens; therefore the right to levy them belongs exclusively to the representative body.

That the citizens may discharge their duties and preserve their rights, it is proper that they be acquainted with both; therefore the State should provide for public education.

The education of young citizens ought to form them to good manners, to accustom them to labor, to inspire them with a love of order, and to impress them with respect for lawful authority.

Religion is the only solid basis of good morals; therefore education should teach the precepts of religion, and the duties of man towards God.

These duties are, internally, love and adoration; externally, devotion and obedience; therefore provision should be made for maintaining divine worship as well as education.

But each one has a right to entire liberty as to religious opinions, for religion is the relation between God and man; therefore it is not within the reach of human authority.

Social rights and obligations are reciprocal.

The right to be protected in the possession of life, liberty, and property, imposesthe duty of not infringing on those of others, and even of protecting them.

It results therefrom, that social liberty is not the permission for each one to follow his own inclination, but the obligation in which all are placed to perform their duty.

So social liberty exists not only within the limits, but by the limits, which the law prescribes.

The law is the will of all, and the rule of each.

The interpretation of the law ought then to be uniform, because the nation cannot require two opposite things, nor can the citizens conform to two opposite rules.

The interpretation of the law ought to be as fixed as the law itself, because the duty of conforming to it demands the means of understanding it, as well as of knowing it.

In the formation of the law, regard should be often had to the convenience, to the faculties, to the interests, and to the habits of the citizens, sometimes even to their prejudices, but in the interpretation of it, nothing but justice should be regarded.

The interpreters of the law ought to enjoy an independence proportioned to the extent and importance of their functions.

The judges ought to be as immovable as the law which they interpret, impartial as the justice which they dispense, and firm as the authority which they represent.

To guaranty the independence of the judiciary power, on which depends civil liberty, and to insure to the system of jurisprudence the necessary stability, it is proper that the Court of Final Appeal should be an integral part of the legislature.

Decisions of cases are the interpretations of the law; consequently they are of general interest; the facts on the contrary concern only the parties.

The choice of arbitrators is a natural right, but submission to legal authority is necessary to social order. Now every society has the right of providing for what concerns the general interest, so that in permitting the parties to choose the judges of facts, the State reserves to itself the power to name the judges of right, who are the interpreters of the law.

In the social, as in the savage state, there are certain subjects which are within the reach of every one, and consequently each citizen can decide in regard to them, but there are others for which it is necessary to refer to those learned

therein; therefore reason and justice require, that the natural right of private judgment should to a certain extent be abridged.

II. Executive Power.

The executive power belongs to the King; consequently he has the right to appoint to all places and employments whatever, except those respecting which it is otherwise provided by this Constitution.

To the King belongs the power of making war, peace, treaties, and other conventions with foreign powers.

To the King belongs the right of granting to foreigners the privileges of French citizens, under such conditions or restrictions as he shall think proper.

Every oath of fidelity shall be taken to the King, in the manner following. *I promise in the name of God to be faithful to the King of the French.* But such oath can have reference only to the royal authority as recognized by the Constitution; so that to obey an order of the monarch, contrary to the laws and the Constitution, is to violate the oath of fidelity.

The King is commander in chief of all the forces both land and maritime, and of the national militia.

Justice shall be rendered in the name of the King.

The person of the King is sacred and inviolable.

Royalty is hereditary in the male line, in the order of primogeniture.

Regencies shall be established by the legislature.

III. King's Ministers and Council.

To the King belongs the choice and the dismissal of Ministers.

Ministers are responsible for their conduct, and to that effect each one shall countersign the orders of the King relating to his department, without which the order shall be void.

The Chancellor shall countersign every act, to which the seal of State is affixed, and shall be responsible therefor.

The Ministers are,

First, the Chancellor. His duty is to superintend distributive justice, education, and morals.

Secondly, the Minister of the Interior. His duty is to superintend the execution of the laws, and the preservation of public peace.

Thirdly, the Minister of Finance. His duty is to superintend the finances of the State, the receipts and the expenditures.

Fourthly, the Minister of Commerce. His duty is to superintend agriculture, manufactures, commerce, and the colonies.

Fifthly, the Minister of Foreign Affairs. His duty is to cultivate the relations of the State with foreign powers.

Sixthly, the Minister of War. His duty is to superintend the land forces and their operations.

Seventhly, the Minister of Marine. His duty is to superintend the navy, the maritime forces and their operations.

Eighthly, the Secretary of State. He is entrusted with the general charge of affairs.

Ninthly, the President of the Council. He presides at the Council in the absence of the King.

The two last are not essential, and the King may fill the places or leave them vacant at his pleasure.

The Ministers form together the Council of State, and each one shall be responsible for the advice, which he shall there give.

IV. Administration and Police.

There shall be in each department an administrative body to superintend the affairs, which are peculiar to such department, in the manner which shall be prescribed by the legislature.

The administrative body shall be composed of twelve members named by the electors of the department. The Grand

Bailiff shall preside over it either in person or by his deputy. The commission of the Grand Bailiff shall be countersigned by the Minister of the Interior. The Bishop of the department and his Vicar are also members of the administrative body. Each department shall be divided into six districts, each of which shall choose two members (*administrateurs*) for four years, and it shall be decided by lot after the first election which of the two shall retire from the administration at the end of two years, so that subsequently one half of the members shall be elected every two years. To constitute an administrative body, it is requisite that the Grand Bailiff, or his deputy and six other members, should be present.

In each department there shall be a Government Attorney (*Procureur Syndic*) appointed by the King. He shall assist at the sessions of the administrative body, and shall have there a voice in consultations, but not in decisions. He is to attend to the crown lands, to the ground rents, and to the casual forfeitures to the treasury.

The King shall appoint each year justices of peace to preserve the tranquillity and maintain the police of the departments. The number of such justices shall depend on the will of the King. Their warrants shall be countersigned by the Minister of the Interior, and their authority shall be prescribed by the legislature.

V. Public Forces.

To the King belongs the appointment and the discharge of the Military officers. It is, notwithstanding, just and wise for him to prescribe for himself a regular system of promotions, and to preserve to each his rank, and nothing but the interest of the nation ought to induce a deviation from the general principles of the military administration.

The legislature shall determine upon the formation and organization of the public forces, upon the duties of the officers, soldiers, marines, and of the militia, upon the offences and penalties, and upon the manner of judging and punishing.

The commissions and warrants of the land forces and of the militia shall be countersigned by the Minister of War.

It is proper for the officers to be holders of property, because those to whom the State entrusts its forces should be interested in its preservation.

The commissions and warrants of the maritime forces shall be countersigned by the Minister of Marine.

VI. Revenue and Debts of the State.

The legislature shall regulate the imposts, but the collection thereof shall be made by royal authority.

The warrants of the collectors, and other principal agents of the treasury, shall be countersigned by the Minister of Finance. The other agents shall be appointed in such manner as the legislature shall order.

The land taxes and the casual forfeitures shall nevertheless be collected by the constable of the department, his sergeants and deputies, according to the writs issued to him by the Government Attorney, the whole to be done in the manner which the legislature shall prescribe; and nothing shall be paid, either for the collection of the land tax, or for the remittances to be made by the Government Attorney.

The legislature shall regulate whatever relates to the public debt; and no loan can be made without its consent.

VII. Education and Worship.

In each department there shall be a Council of Education and Worship, which shall be formed by the Bishop and the Professor of the department and six Rectors, one for each district. All the members of the Council shall be appointed by the King, but cannot be turned out; and their appointments shall be made under the seal of State.

The Bishop, or in his absence the Professor, shall preside at the Council, and three Rectors as least must assist thereat.

By the advice of the Council, the Professor shall appoint the preceptors, and the Bishop shall appoint the curates.

The Bishop shall appoint and dismiss his vicar at his own free will.

The places of preceptor and curate shall be removable according to the regulations of the legislature.

For the maintenance of worship, for providing for education, for the relief of the poor, and to defray the expenses of the hospitals, the tithe shall be collected in the manner prescribed by the legislature; but by the orders and under the superintendence of the administrative body, who shall distribute the same. The Government Attorney shall be the treasurer of the tithe, of which a tenth part shall be paid to the Bishop, who shall pay the fifth part to his vicar. One third of the residue shall be applied by the administrative body to the poor and to the hospitals, one third to public worship, and one third to public education. But a tenth part of this last third shall be paid to the order of the Chancellor, towards defraying the expenses of a National Academy, of which the Chancellor shall be always President, and shall appoint by the orders of the King the instructers. In everything else relating to the Academy the legislature shall direct.

VIII. Commerce and Colonies.

The King shall make all the appointments in the Colonies, in the manner determined upon by common consent. The commissions and warrants shall be countersigned by the Minister of Commerce, who shall also countersign the warrants of the Government Attorneys of the departments, of the Comptrollers of Customs, and of the Consuls in foreign countries.

IX. Relations with Foreign Powers.

Ambassadors, and other Ministers and diplomatic agents, shall be appointed by the King. Their credentials and insructions shall be countersigned by the Minister of Foreign Affairs. The expenses thereof shall be paid out of the civil list, and when extraordinary expenses are incurred for secret services, the legislature will reimburse the same if it sees fit.

Treaties and Conventions with foreign powers shall be recorded at the King's Council, and signed by the King in his Council, with the advice of the majority of his Ministers, who are bound to countersign it before the treaty can take effect. It shall then become the supreme law of the State, and the Ministers who shall have signed it shall be all and each responsible therefor.

No treaty of commerce can take place without the previous consent of the Minister of Commerce, which shall be given and confirmed by his signature before the treaty shall be submitted to the Council.

The decisions of the Admiralty Courts respecting prizes taken at sea, shall be made in accordance with the ordinances of the King in his Council, because they affect the external relations of the State, and depend on the rights of war; consequently the appeal from the Admiralty shall be made to the Council in such manner as the ordinances shall prescribe.

The judges of the Admiralty Courts shall be appointed by the King, and their commissions shall be countersigned by the Minister of Foreign Affairs. They are removable.

The royal attorneys in the Admiralty Courts are also removable. They shall be appointed by the King, and their warrants shall be countersigned by the Minister of Marine.

X. Legislative Power.

The legislative power shall reside always in the Senate and National Assembly, which, in concert with the King, shall make all laws, ordinances, and regulations whatever, which they shall judge necessary to the defence, preservation, and prosperity of the State.

The Senate shall be composed of ninety Senators, hereditary in the male line in order of primogeniture. They shall be appointed by the King, that is to say the King shall appoint forthwith fifty, and others according as circumstances

may appear to him to require it. The patents of the Senators shall be issued under the seal of State, and registered at the chancery. They shall never have any other title than that of French Senator. The King shall appoint from among the members of the royal family Senators for life, of which the number shall never exceed nine, and they shall have no other title than that of French Senators; but the Prince Royal shall be always a Senator without the nomination of the King. Thus the Senators of the royal family may be ten in number including the Prince Royal, whose title however shall not be Senator, but only Prince Royal.

The King shall appoint twenty Ecclesiastical Senators, among whom shall be all the Archbishops; their title shall be Bishop Senator. Finally, the twenty-four Superior Judges hereafter mentioned shall also be Senators, but shall not have the title thereof.

No one shall have a seat in the Senate before the age of thirty years, except the Prince Royal, who shall have a seat there at sixteen years, and a voice in the decisions at twenty years, but shall never have a voice in consultations.

The Chancellor shall preside in the Senate, and when he is not there, the President shall take his place. The President shall be nominated by the King at the opening of each session, from among the hereditary Senators.

The Senate shall choose its other officers, such as registers, sergeants, and doorkeepers.

Every Senator shall lose his place for the crime of high treason, and for dishonorable actions or scandalous conduct, according to the decision of the Senate. A Senator cannot be judged except by the Senate.

The King can appoint to the Senate the son of one, who has lost his place, but he cannot reinstate a Senator degraded by a decision of the Senate.

The Senate judges of accusations brought by the National Assembly, because the complaints of the nation, through the medium of its Representatives, ought not to be submitted to any inferior tribunal.

In order that the accusations of the representative body may be judged in the most solemn manner, the King shall appoint from among the hereditary Senators a constable of France to preside over the Senate; but this office shall cease with the occasion which gives birth to it. The appointment shall be made to the Senate *vivâ voce.*

The King cannot pardon him, whom the Senate upon the accusation of the representatives shall have condemned.

The Senate is judge in the last resort of all cases and causes, which shall be brought to it by appeal, according to the regulations of the legislature.

The Ecclesiastical and Royal Senators shall not assist the judiciary sessions, and the judges shall have only a voice in the consultations.

The Sanate can never for purposes of legislation consist of less than forty members, hereditary or others. To fulfil its judicial functions, at least thirty hereditary Senators are necessary.

The National Assembly shall always consist of four members for each department, eight for Paris, and four for each of the cities hereafter named, and of those to which the legislature shall grant a representation.

In great cities the citizens, who are not holders of property, have the stability necessary to form for themselves an opinion upon public affairs; in the country, on the contrary, they are reduced by circumstances to second the ambition of the rich, and consequently to destroy the equilibrium upon which depends the importance of the middling class and public liberty.

The cities which shall henceforth have representatives are Dunkirk, Lisle, Dieppe, Amiens, Havre, Rouen, Metz, Strasbourg, Lyons, St Malo, Nantes, Bordeaux, Bayonne, and Marseilles.

One hundred members shall suffice to form a Chamber of Representatives, because circumstances may often prevent members from being present, and the urgency of affairs sometimes does not permit any delay.

The Representatives shall be chosen for eight years, and it shall be decided by lot in each city and department, after the first election, which of the members shall retire from the Assembly at the end of two years, which of them shall retire at the end of four years, and which at the end of six years, so that consequently one quarter of the Representatives shall be elected every two years, and when the place of a Representative shall become vacant, the vacancy shall be filled by an extraordinary election.

The electors of the departments are the male holders of property. The legislature shall determine on the value of the property. No one shall vote before he is married, and has attained the age of twenty-five years.

The elections shall be made in the districts and in the manner which the legislature shall point out. The list of voters of each district shall be sent to the department which shall examine the same, and the Grand Bailiff shall certify to the chancery, by the advice of the administrative body, the person elected. And in case of a disputed election, he shall send the lists to the National Assembly, to which alone belongs the right of judging of its members and of elections.

The electors of the represented cities are those who pay taxes; but after the first election, the cities may grant the right of citizenship to whomsoever they may see fit, provided he shall have attained the age of twenty-five years, shall be married, and of good character. Persons thus admitted by the cities are the only citizens, who have the right to vote for representatives of cities and municipal officers. And this right is inalienable except in cases of conviction of crime.

The municipal officers in the cities above named shall be chosen in the manner pointed out by the legislature, which shall determine upon the organization of the municipal bodies, and upon the cities to which such bodies ought to be granted. But in all cases the Mayors shall be appointed by a warrant from the King, which shall be countersigned by the Minister of the Interior.

The National Assembly shall choose its President at the

commencement of each session, for the entire session, and all the other officers necessary shall be chosen in the same manner.

The expenses of the Representatives of each department and city shall be paid by the electors of the cities and departments represented, at a rate regulated by the legislature, and the assessments shall be respectively made by the administrative and municipal bodies.

Every law, or ordinance having the force of a law, other than those specially indicated in this Constitution, may be agreed to by the majority of the Senate and of the Chamber of Representatives, and shall then be presented to the King for his sanction.

Each Chamber has the right of making the alterations it may see fit in acts before assenting to them, and to each belongs the originating of laws, except those of revenue of which the originating belongs exclusively to the Representatives; so the Senate can never have the right of changing anything in relation to imposts, but only of consenting or not consenting.

The style of the laws shall be,—'The King, by common consent with the Senate and the French Nation, orders that, &c.' But the style of the laws which levy imposts shall be,—'The nation grants to the King for the necessities and honor of the State the imposts, which the Senate has consented to, and which his Majesty accepts, to be employed for the objects designed by the people in granting them; it is therefore ordered by common consent, &c.'

The laws being presented to the King, he shall signify by his Chancellor, to the Senators and Representatives assembled in the Chamber of the Senate, the royal will. If the King does not agree, his refusal shall be expressed by these words, —'The King will consider.' If he agrees to the law, the form shall be,—'The King consents, and will cause to be executed.' But if it is a question of a law, which grants an impost, and which the King accepts, the form shall be,—"The King accepts and will cause to be executed.'

The laws shall be registered at the Chancery, and then sent by the Chancellor to the Keeper of the Records, to be printed under his inspection, and the originals to be deposited among the archives of the State. The Keeper of the Records shall send to the Constable of the department two printed copies of each law, that he may make proclamation thereof, and send one copy with the certificate of having proclaimed it to the Government Attorney, and the other copy, with a similar certificate to the Register of the department.

The King shall assemble and prorogue the two Chambers; but if the Ministers suffer more than a year to intervene between two sessions, the Chambers shall assemble themselves by their chief, and the King cannot prorogue them before the expiration of six months without their consent.

Each Chamber can adjourn itself from day to day, but not for more than five days at a time.

Each Chamber shall have the right of police within its interior, and in what relates to it, and that of punishing its own members; the whole according as the legislature shall determine.

The members of the Senate and of the Assembly cannot be arrested during the session, nor in the space of time fixed by the legislature before and after the session, except for crime.

XI. Judiciary Power.

The Judges shall be named by the King; their commissions shall be issued under the seal of State, and they shall receive a fixed salary from the public treasury.

The Judges are either Superior or Inferior.

The Superior Judges are not removable, and are twenty-four in number, of which twelve are stationary, and twelve circuit judges.

No one can be appointed a Superior Judge before the age of thirty-five years.

The stationary Judges shall be divided into four Chambers,

or Courts, of which each shall have a supreme judge. The first Court shall judge all disputes upon fiscal concerns; the criminal code is the department of the second; the third shall determine cases which relate to real estate; and the fourth, all other cases.

The King shall appoint a crown lawyer for each Court, whose duty it is to attend to the fiscal concerns of the nation. His warrant shall be countersigned by the Minister of Finance.

The King shall appoint a Royal Attorney, whose duty it is to prosecute every violation of public order. His warrant shall be countersigned by the Minister of the Interior.

A single Judge shall suffice to hold an ordinary session, but to decide fully upon a subject two at least shall be necessary.

Cases shall be judged by the Stationary Tribunals in the same manner as by the Circuit Courts.

The Judges of Assizes shall be divided into six circuits, and there shall be in each department two annual Assizes, one in the Spring, and the other in the Autumn. A single Superior Judge shall suffice to hold an Assize, with two of the Judges of the department hereafter mentioned, the Superior Judge presiding.

The Assize Courts shall judge all the complaints and cases whatsoever of the department, whether civil, criminal, or fiscal. There shall be an appeal from the decisions of the Judges, whether upon the principles or the adventitious circumstances, which shall be made, according to the nature of the case, to one or the other of the Stationary Tribunals.

The Stationary Tribunals shall likewise hold their sessions twice a year, in the Spring and in the Autumn, to decide on cases which are within their respective jurisdictions. They shall hold two other sessions in Winter and in Summer, to judge the various appeals which shall be made to them.

There shall be also an appeal from the decisions of the Stationary Courts to the Court of Appeals, over which the Chancellor shall preside, and at which at least twelve Superior Judges shall assist.

There shall be also an appeal from the decisions of the Appeal Court to the Senate, the whole according to the forms and conditions, and under the restrictions which the legislature shall prescribe.

When the subject of discussion in a civil matter involves the examination of accounts, or by the absence of witnesses out of the kingdom, or by other reasons it happens that the Assizes cannot render justice, then the cause may be either commenced in the Court of the Pretor, or be brought there, and appeal shall be had from the Pretor to the Chancellor, and from the Chancellor to the Senate, whether upon the facts or upon the judgments rendered, as well upon the principle as upon the form, the whole in the manner which the legislature shall determine upon.

The Pretor shall be appointed in each department by the Chancellor, and shall be removable. Every dispute in matters of business and of accounts is within his jurisdiction. He shall appoint four Commissioners; the facts shall be established by a Commissioner, and they shall be examined afterwards by the Pretor if he sees fit; and in view of the appeal granted on the facts, the depositions of the witnesses shall be written before the judgment.

There shall be in each department four Inferior Judges appointed by the King, who shall be removable, and their warrants shall be countersigned by the Chancellor. The Inferior Judges or two of them, with one or more Judges of Assize, shall hold the Assizes. A single Judge of a department can decide on the forms and adventitious circumstances to accelerate the proceedings, and obtain an eariler decision upon the principles of the case, but an appeal may be had from his judgment to the Assize Court, and thence a further appeal.

The register shall be named in each department every three years by the Assize Court sitting in the Spring, from among three persons, who shall be presented by the administrative body.

Every transfer or hypothecation of real estate, must be made

before the Register, certified by him, and registered by the Government Attorney in the archives of the department; and every deed must be so registered, and the copy of the registry certified by the Government Attorney shall be available in justice; the whole to be according to regulations which the legislature shall establish.

Decisions in Assize Courts on facts shall be by juries of twelve respectable persons, and the witnesses shall all be publicly examined in presence of the jury and of the parties.

To form the juries, the electors shall choose every two years in each district forty-eight persons from among the holders of property in the district, and the list of them shall be registered at the administration and at the registry of the department. The Constable shall make for each case a list of forty-eight persons, according as the Court shall direct, and shall cause them to be summoned to appear under penalties, at the time and place designated, for judging the case. Each individual shall have the right of challenging six of the jurors without cause, and others for sufficient cause, and of the remaining number, twelve shall be drawn by lot to sit in the case. It is necessary that the verdict of the twelve composing the jury be unanimous.

The Contsable shall likewise summon, when necessary, twenty-four persons for a grand jury of the department; and no person shall be judged at the Assizes for crime or offence, until he shall have been previously accused by the grand jury. The grand jury shall decide by a majority, but twelve voices are requisite for an accusation.

A person belonging to the grand jury cannot be summoned for another jury.

The King shall order extraordinary Assizes whenever circumstances require it.

To judge of crimnal cases the Constable shall summon forty-eight persons, and the accused shall have the right of challenging twelve without cause, and others for sufficient cause. The twelve of whom the jury consists must be agreed

Each person before taking his place as member of a jury shall make oath to give impartial attention to the case, and to speak the truth according to the evidence.

In every suit, before submitting it to the jury, the statements of the parties must be reduced to direct affirmations and negations, that the jury may be able to decide by yea and nay. And for this purpose in every complaint and every defence the facts must be precisely stated with the time, place and circumstances, that the opposite party may admit or deny them positively, and prepare their proofs.

There shall be in each department a Constable appointed by the King every year. His warrant shall be countersigned by the Minister of the Interior. He shall appoint in each district a serjeant, and such number of tipstaffs as he may think proper. To the Constable shall be addressed every writ, sentence, order, or letter of execution whatever, to execute the same. To him belongs particularly to keep the peace of the department, to cause the police to be performed, and the laws to be respected. It is his duty to suppress insurrections, and the citizens are required forcibly to assist him, his serjeants and tipstaffs, when called upon in the name of the King.

The Constable is governor of all the prisons of the department, and he shall appoint the deputy governors, jailers, and other necessary officers.

The legislature shall determine upon the rights honorary and pecuniary of the Constable, of the Government Attorney and Register, in such manner that these officers, their substitutes and agents, shall not be chargeable to the treasury. For it is right, that the citizens should pay the expenses resulting from the execution of the laws, when they have recourse to the protection which they afford ; and it is right, that he, who will not render to any one his due, should defray the expenses which his bad faith makes necessary ; finally, it is right, that the good and peaceable citizens should be protected in the enjoyment of their property, at the expense of the malevolent and unjust.

To avoid as much as possible lawsuits and quarrels, there shall be conciliatory tribunals for the resident inhabitants. The conciliatory tribunal shall be composed of one Justice of Peace and of two respectable citizens of the neighborhood, whom the Justice of Peace shall summon. This tribunal shall hear the statements of the parties but not the witnesses, and shall recommend means of accommodation.

If accommodation cannot be had, the Judge shall give to each of the parties a certificate of having appeared, that he may be able to proceed; and if the parties have agreed on the facts, it shall be declared by the same certificate. The facts upon which they have agreed shall likewise be stated, in order to abridge the process of law when it cannot be avoided.

The Justices of Peace shall have such other authority, as the legislature shall grant to them; and the legislature shall establish from time to time all the tribunals, which shall be deemed convenient, useful, or necessary, and shall regulate all proceedings that shall be necessary for the most perfect distribution of justice, and to protect the property, rights, and privileges of all the citizens.

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ERRATA.

Vol. I. p. 52, fifth line from bottom, for 'county,' read 'country.'—p. 57, bottom line, before 'possible,' insert 'as.'—p. 63, eighth line from bottom, for 'made to,' read 'not.'—p. 179, ninth line from top, read 'naval.'

Vol. II. p. 103, for '1790,' read '1791.'— p. 126, *note*, for 'p. 109,' read 'p. 103.'—p. 289, top, after 'lately,' insert 'been taken.'

Vol. III. p. 4, fifth line from top, for 'repaired,' read 'repaid.'—p. 49, ninth line from bottom, for 'on,' read 'an.'—p. 83, after 'that,' insert 'if.'—p. 139, fifth line from bottom, for 'citizen,' read 'citizens.'—p. 209, third line from bottom, for 'lettres,' read 'lettre.'—p. 491, for 'before the 14th of September,' read 'in December.'

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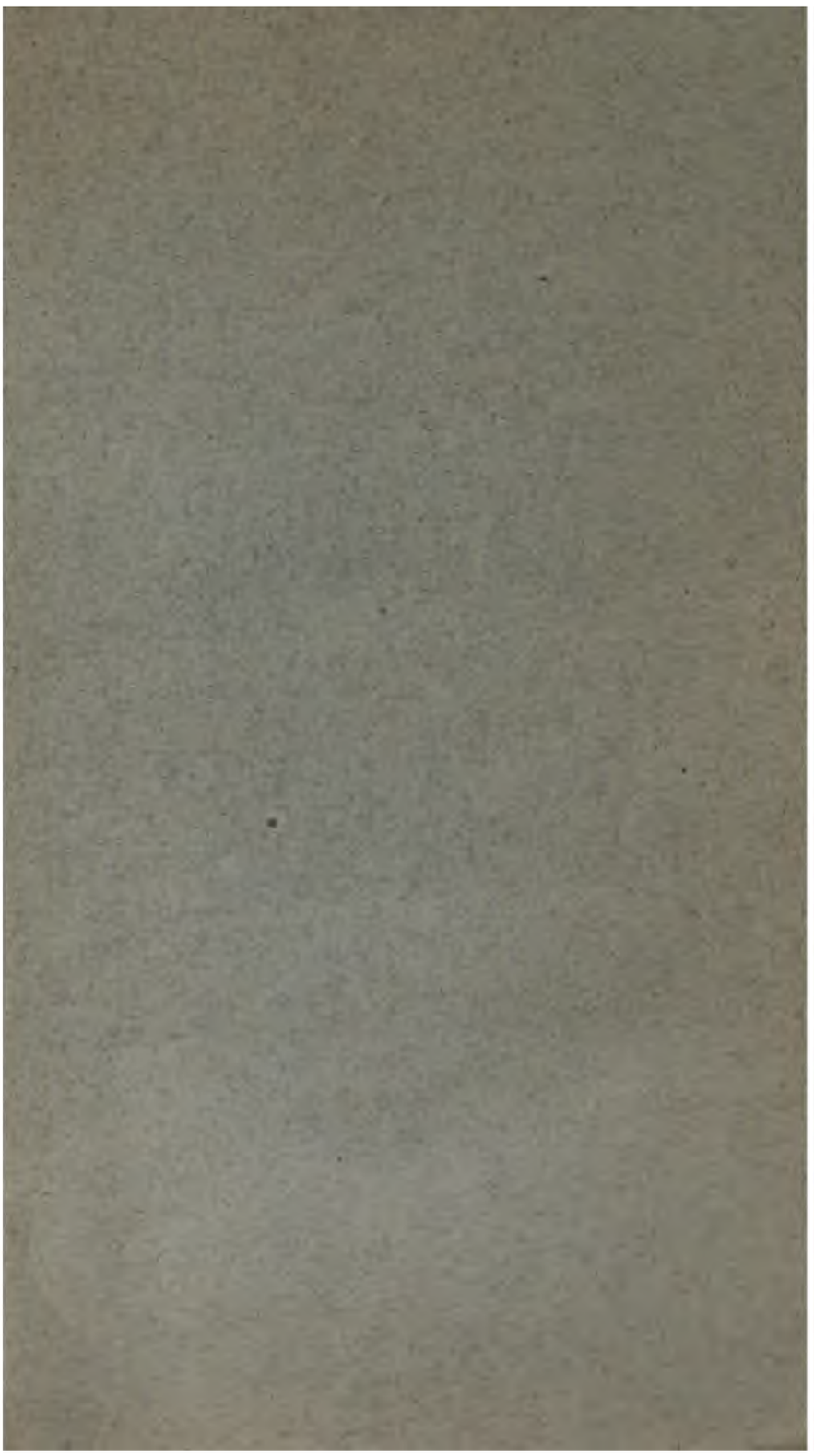

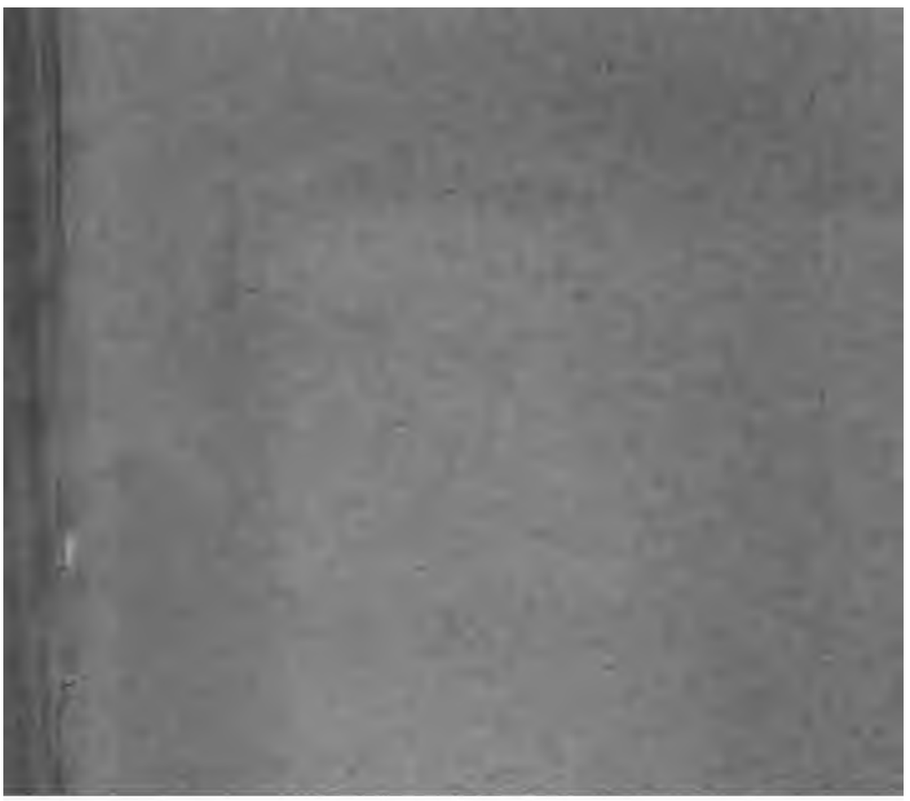

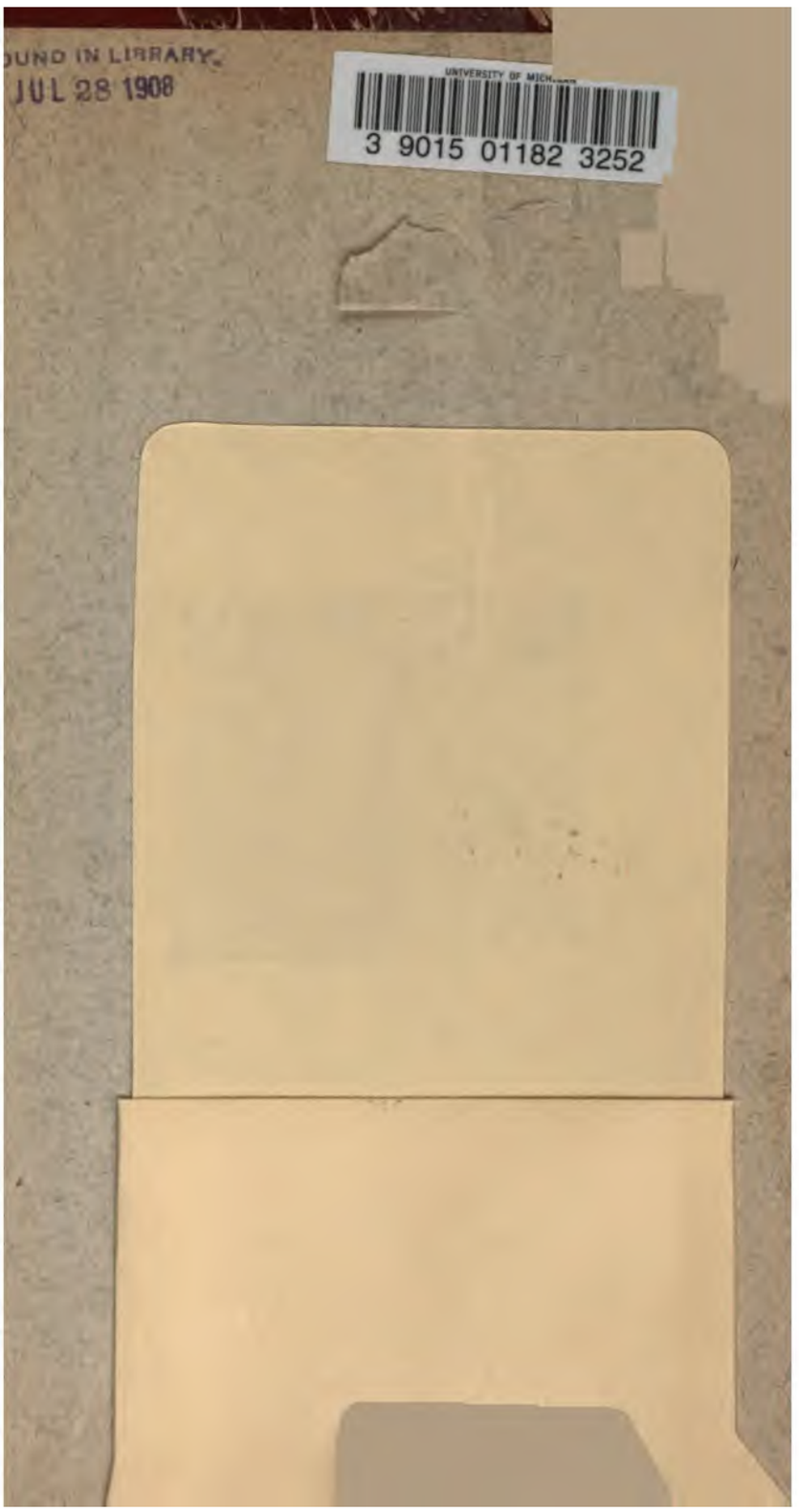
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